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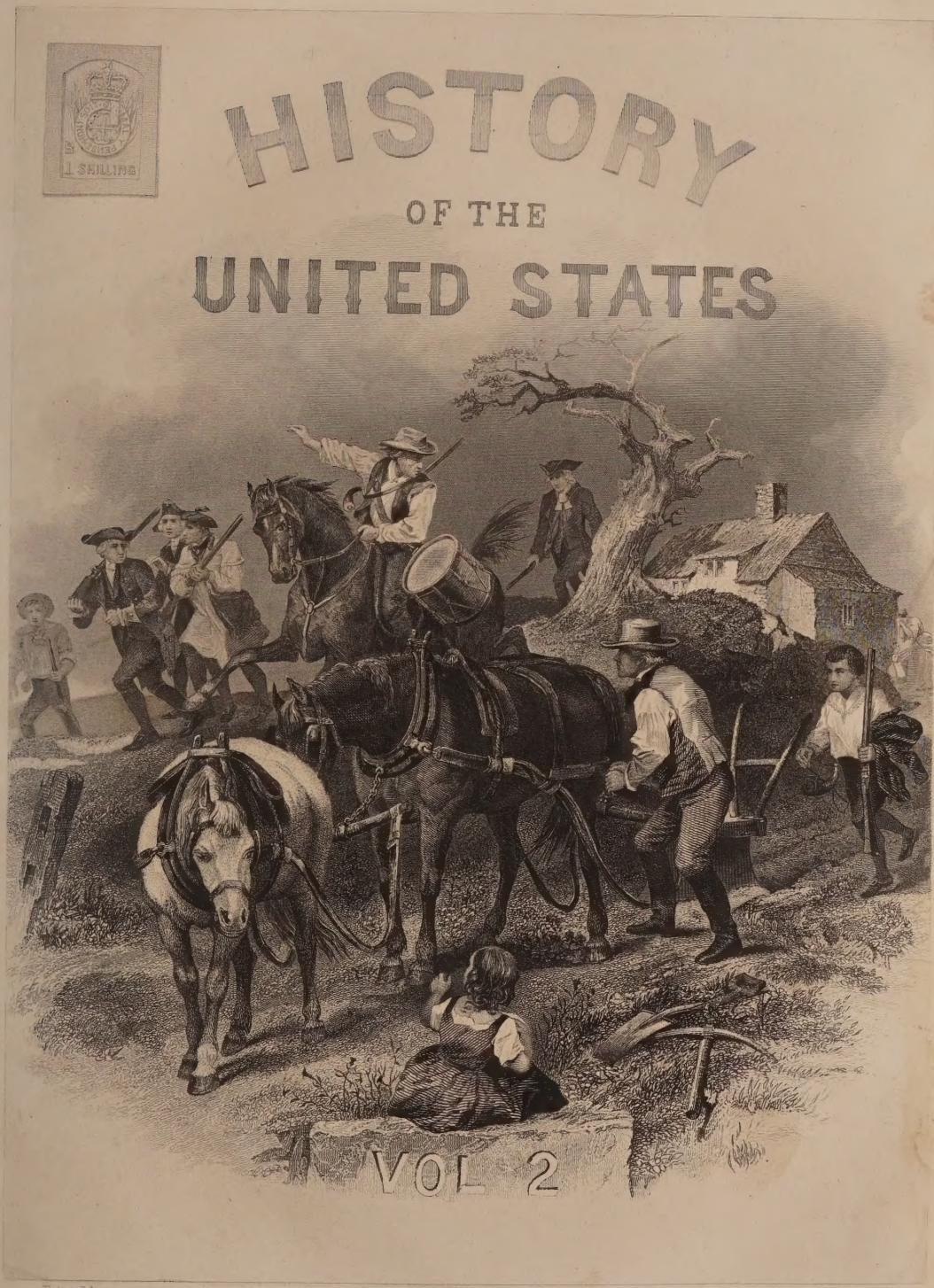

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NEW YORK,
JOHNSON, FRY & COMPANY,
27 BEEKMAN STREET.

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HISTORY

OF THE

UNITED STATES,

FROM

THE EARLIEST PERIOD

TO THE

ADMINISTRATION OF PRESIDENT JOHNSON.

BY

J. A. SPENCER, D. D.,

MEMBER OF THE AMERICAN ETHNOLOGICAL SOCIETY AUTHOR OF "EGYPT AND THE HOLY LAND," ETC., ETC., ETC.

Illustrated with highly Finished Steel Engravings,

INCLUDING

HISTORICAL SCENES AND FULL-LENGTH PORTRAITS,

FROM ORIGINAL PAINTINGS BY LEUTZE, WEIR, POWELL, CHAPPEL, NAST, AND OTHER AMERICAN ARTISTS.

VOLUME II.

New York:
JOHNSON, FRY AND COMPANY,
27 BEEKMAN STREET.

Entered according to Act of Congress, in the year one thousand eight hundred and sixty-six,
By JOHNSON, FRY & COMPANY,
In the Clerk's Office of the District Court of the United States, for the Southern District of New York.

CONTENTS OF VOL. II.

BOOK THIRD.

[*CONTINUED.*]

FROM THE DECLARATION OF INDEPENDENCE TO THE TREATY OF PEACE.

CHAPTER V.

1778.

CLOSE OF THE CAMPAIGN OF 1778.

PAGE

Sir Henry Clinton evacuates Philadelphia..... 11
The British and American forces 12
Opinion of the council of war 12
Measures taken—Washington pursues Clinton 12
Battle of Monmouth 13
Conduct of Lee—Result of the battle..... 13, 14
Trial of General Lee—The sentence..... 15
Incident in the life of Lee..... 15
Arrival of the French fleet..... 16
Sails for New York, and to Rhode Island..... 16
Operations in Rhode Island..... 16
D'Estaing's movements—Naval battle 17
D'Estaing resolves to leave for Boston..... 18
Sullivan compelled to retreat 20
Washington's letters..... 20, 21
British expedition—Bedford destroyed 22
Congress receives the French ambassador 22
British determine on severity 23
Destruction of Wyoming—Thacher's account 23
Baylor's regiment bayonetted 25
Pulaski's legion mercilessly slaughtered..... 25
Mr. Sparks on the British course..... 25
Congress recommends retaliation 25
Byron and the British fleet 26
D'Estaing goes to the West Indies 26
British troops leave for the south 26
The army go into winter-quarters 26
Jealousies and dissensions in Congress 26
Washington's letter to Harrison 27
Retaliation against the Indians..... 28
Colonel Clarke's expedition 29
General languor—Washington in Philadelphia .. 30, 31
War carried to the South..... 31
Campbell takes Savannah—His policy..... 31
Steuben's labors in disciplining the troops..... 32
Naval operations at this date..... 32
Gallant exploits of Biddle, Jones, etc..... 32, 33
Adoption of the Articles of Confederation..... 33

CHAPTER VI.

1779.

EVENTS OF THE WAR DURING 1779.

General Lincoln at the south..... 34
The British force—Addition of tories..... 34, 35
Pickens defeats the tory banditti 35
Lincoln's movements 35
Prevost attacks South Carolina 37
Threatens Charleston—Lincoln pursues him 38
Prevost retreats—Battle at Stono Ferry 38, 39
Discreditable attack on South Carolina 39
General Matthews in Virginia..... 40
Relaxation of national vigor 40
Washington's struggles against it 41
The New Jersey brigade's conduct..... 41
Trial to Washington—How settled..... 41, 44
Stony Point taken by the British 45
Attack upon Connecticut under Tryon..... 46
Brilliant exploit of Wayne..... 47
Stony Point taken by assault..... 48
Attack on Fort Lafayette fails..... 49
Stony Point abandoned..... 49
Expedition against Penobscot 49
Lee's gallantry at Paulus Hook..... 50
Washington's life at West Point..... 50
Course of Congress towards the Indians..... 51
Sullivan in command against them..... 51
Washington's orders—Expedition successful ... 51, 53
The French in the West Indies 54
D'Estaing and Lincoln at Savannah..... 54
The assault fails—White's stratagem 56
Spain joins the alliance..... 57
Paul Jones's famous naval battle..... 58
The army in winter-quarters..... 59
Washington's compulsory inactivity..... 60

PAGE
Some remarks on this period 60
Lukewarmness—Decay of public virtue, etc 61
APPENDIX TO CHAPTER VI.
Continental Paper Currency 64

CHAPTER VII.
1780.
THE CAMPAIGN OF 1780.
Clinton in the south—His force 70
Besieges Charleston—Progress 71
Lincoln surrenders—Measures of Clinton 72, 73
Cornwallis's activity 74
Colonel Buford defeated by Tarleton 74
Clinton's Proclamation—Character 75
Cornwallis in command—His plans 75
State of things at the south 76
Sumpter's exploits—Spirit revived 77, 78
Gates appointed commander 78
The battle of Camden 79
Gates's defeat and flight 81
Greene appointed his successor 81
Ferguson defeated at King's Mountain 83
Partisan warfare—"Rebel ladies" 84
Patriotism of the women of those days 84
Lord Stirling's attack on Staten Island 85
The officers of the Jersey line 85
Knyphausen's movements 85
French succors expected 86
Movements to furnish quotas of troops 86
Washington's letter to Congress 87
Patriotism of the Philadelphians 87
Washington's embarrassments 87
Arrival of the French fleet 88
Commander-in-chief disappointed 88
The traitor BENEDICT ARNOLD 89
Causes which led to his treachery 90
André and his capture 91, 92
Arnold's escape—Discovery of his treason 93, 94
André's trial and condemnation 95
Dr. Thacher's account of the execution 96
Washington's views on the subject 97
Remainder of the campaign 98
APPENDIX TO CHAPTER VII.
I. "The Cow Chace," by André 99
II. Sergeant Champe's Adventures 102

CHAPTER VIII.
1781.
THE DECISIVE YEAR OF THE WAR.
The armed neutrality 109
England at war with Holland 110
Contest of European powers 110
Depressed condition of affairs 110
Robert Morris—Foreign loans 111, 112
Mutiny of the Pennsylvania line 112
Followed by the New Jersey troops 113
Punishment inflicted 113
PAGE
Arnold in Virginia—Plan to take him 113, 114
Lafayette in command 115
Greene in Carolina—His policy 116
Morgan's detached force 117
Battle of the Cowpens—Brilliant victory 118, 119
Morgan's retreat 120
Greene in command—Celebrated retreat 120
Battle of Guilford Court House 123
Greene in pursuit of Cornwallis 124
Cornwallis proceeds to Virginia 124
Leaves Rawdon in command 124
Battle of Hobkirk's Hill 124
Success of the Americans 125
Rawdon retires to Monk's Corner 126
Pickens and Lee in Georgia 126
Greene against Ninety-Six 127
Rawdon compels him to retire 127
Rawdon's cruelty to Hayne 128
Battle of Eutaw Springs 129
Virtual close of the contest 131
Cornwallis in Virginia 132
Lafayette in command of the troops 132
Movements of Cornwallis—Lafayette's activity 134
Cornwallis encamps at Yorktown 135
The French fleet 136
Washington's plans against New York 136
Clinton's blunder—Washington's letter 137
Cornwallis besieged 137
Arnold's plundering in Connecticut 140
Progress of the siege of Yorktown 141
Cornwallis surrenders 144
Exultation of the Americans 145
Lafayette returns to France 145
Laurens released from the Tower 146

CHAPTER IX.
1782–1783.
CLOSING OF THE REVOLUTIONARY WAR.
Proceedings in Parliament 147
Mr. Oswald sent to Paris 148
Carleton sent to the United States 148
Attempts towards a peace 148
Washington urges preparations 148
Financial matters 149
The case of Captain Huddy 149
Washington urged to become a king—Reply 150
Army to be reduced—Discontents 152
Affairs at the south 153
General Greene's operations 153
Departure of the French troops 154
Causes of discontent in the army 155
Negotiations conducted by Franklin, Jay, and Adams 155
Count Vergennes' complaints 156
Officers' petition—Feeling in Congress 157, 158
The Newburg Addresses 158
Washington's noble conduct 159
Washington advocates the army's cause 160
Cessation of hostilities 160

PAGE
Good conduct of the army 161
Mutiny of some new Pennsylvania levies 161
The Society of the Cincinnati 161
The Definitive Treaty of Peace 162
The army disbanded 167
Washington's farewell orders 167
Evacuation of New York 168
Washington's parting with the officers 168
Resignation of his commission 169
APPENDIX TO CHAPTER IX.
I. "Men and Times of the Revolution" 170
II. The Newburg Addresses 171
III. Washington's Address to the officers 173
IV. Washington's Circular Letter to the Governors 175
V. Resignation of Washington's commission 180

BOOK FOURTH.

FROM THE TREATY OF PEACE TO THE END OF ADAMS'S ADMINISTRATION.

CHAPTER I.

1783-1786.

THE THREE YEARS AFTER THE WAR.

Sad condition of affairs 186
Articles of Confederation inefficient 186
State jealousies 187
Revenue system of 1783 188
Congress ask for additional powers 188
Powers refused—New York strongly opposed 190
Foreign commercial relations—Treaties desired 190
Mr. Pitt's bill—Favorable to the Americans 191
Not adopted by Parliament 192
Congress ask power on the subject of commerce ... 193
Disputes with England on treaty of peace 193
Difficulties of the question 194
John Adams minister to England 194
Jefferson sent to France 195
Course of the British court 195
Adams's efforts ineffectual 196
Jay's report on various papers 196
Adams returns home 197
Difficulties with Spain—Jay's negotiations 197
Excitement about the Mississippi 198
Washington's interest in public affairs 199
Discordant state legislation 201
Lands ceded to the United States 201
Ordinance of 1787 202
Abstract of its provisions 203
Its importance in our history 204
Marshall on the two parties 204
Measures in Virginia respecting trade 205
Commissioners at Annapolis 205
Their important recommendation 206
APPENDIX TO CHAPTER I.
Ordinance of 1787 for the Government of the North-western Territory 206

CHAPTER II.

1787.

THE FEDERAL CONVENTION AND ITS WORK.

Virginia and the Federal Convention 210
The resolution of Congress 210
Shays's insurrection in Massachusetts 212
Action in Congress—Washington's apprehensions 212, 213
Lincoln in command in Massachusetts 214
The rebellion suppressed 215
Necessity of the convention 215
Washington on the Virginia delegation 216
The convention assembles in May 217
Randolph and the "Virginia Plan" 218
Patterson and the "Jersey Plan" 220
Debates in the convention 220
Arrangement as to the several powers, etc 221
Franklin's motion for daily prayers 222
Compromise arrangements 223
Letter of Washington 225
THE CONSTITUTION OF THE UNITED STATES 226
APPENDIX TO CHAPTER II.
I. Hamilton's plan of government 237
II. List of members of the Federal Convention which formed the Constitution 239

CHAPTER III.

1787-1788.

THE ADOPTION OF THE CONSTITUTION.

Constitution to be submitted to the people 240
Opposition expected—Feelings aroused 240, 241
Marshall respecting the FEDERALIST 241
Most of the states act promptly 241
Position of the two parties 241
Action in several of the states 242
Convention of Massachusetts 242
Amendments proposed—Speech of Fisher Ames ... 243
Convention in New Hampshire 244
Virginia Convention—Eminent men in it 244
Patrick Henry's speeches 245
Randolph's and Madison's views 248, 249
Convention in New York—Amendments proposed . 252
North Carolina Convention 253
Statesmen of that day on this subject 254
Franklin's and Washington's letters 254
Congress take steps to organize the new government 256
APPENDIX TO CHAPTER III.
I. Debates in the Virginia Convention 257
II. Justice Story on the Constitution 258
III. The Convention and the Constitution 258

PAGE

The doctrine of *nullification* asserted..... 444
Resolutions in full—J. Q. Adams's statements . 444, 449
Virginia Resolutions..... 450
Congress in session..... 451
Opening speech and answers of the two Houses.... 451
Washington's embarrassments..... 452
Washington's activity and zeal..... 453
Pickering's review of the French mission..... 453
Truxtun's victory..... 455
Financial matters—State of public affairs..... 456, 457
President's course—Probable causes..... 457, 458
Nomination of a third embassy to France..... 459
Vans Murray's name sent to the Senate..... 459
Departure of the envoys delayed..... 460
Adams's letter quoted..... 461
Fatal result to the federal party..... 462
Fries's insurrection—Case of Robbins or Nash. 462, 463
Intercourse with St. Domingo..... 464
Treaty with Prussia..... 464
Proceedings in the Kentucky legislature..... 464
Madison in the Virginia legislature..... 466
Sixth Congress—President's speech..... 466
Session interrupted by the death of Washington ... 467
APPENDIX TO CHAPTER XI.
Madison's Letter on the subject of Nullification.. 467

CHAPTER XII.

1799.

THE DEATH AND CHARACTER OF WASHINGTON.

Washington's deep interest in public affairs..... 473
Not permitted to see peace with France restored... 473
Expired on night of December 14th, 1799..... 474
Marshall's touching speech..... 475
Resolutions adopted by Congress..... 478
Funeral ceremonies—General Lee's discourse.. 478, 479
Universal mourning—Tributes to his memory..... 481
Delineations of his character..... 481
Tuckerman's Essay on Washington..... 481
APPENDIX TO CHAPTER XII.
I. Marshall's Character of Washington..... 491
II. Obituary Notice of Washington in a London paper..... 493
III. Dr. Mason's Funeral Oration on Washington 495

CHAPTER XIII.

1800-1801.

CLOSE OF ADAMS'S ADMINISTRATION.

Political parties—Party schemes..... 498, 499
Military Academy recommended..... 499
Financial matters—Public lands..... 499, 500
Jefferson's letter to Madison..... 500
Gallant exploit of Commodore Truxtun..... 501
Bainbridge at Algiers and Constantinople..... 502, 503
American envoys in France..... 503

PAGE

The "Convention"..... 504
Gibbs and Adams on the mission to France..... 504
Parties in New York—Hamilton and Burr..... 505
Jay's honorable conduct..... 505
Federal party and John Adams..... 506
Government removed to Washington..... 506
Mrs. Adams's letter on the new city..... 506
The second census..... 508
Hamilton's opposition to Adams—His letter..... 508
A copy stolen and printed by Burr..... 509
Congress in session in Washington..... 510
President's speech..... 510
Adams's appointments..... 513
Marshall, Chief Justice..... 514
Burr's activity in politics..... 514
Hamilton's opinion of Burr..... 514
State of the electoral votes..... 515
Jefferson seventy-three, and Burr seventy-three ... 515
Mr. Davis's statement..... 515
Jefferson elected president..... 516
Balance of Adams's term of office..... 517
Mr. Gibbs on the federal supremacy..... 517
APPENDIX TO CHAPTER XIII.
John Adams and the Fall of Federalism..... 519

CHAPTER XIV.

1797-1801.

PROGRESS IN NATIONAL PROSPERITY.

Notices of internal progress..... 522
Proposition in Massachusetts—Jefferson's remark .. 523
North-eastern boundary line..... 523
Activity in the northern and middle states..... 524
Noah Webster..... 524
The "Connecticut reserve"..... 525
Slavery abolished in New York..... 525
Sullivan's "Familiar Letters" quoted..... 526
Georgia and its new constitution..... 526
Views of Jefferson, in 1811, on the Kentucky and Virginia Resolutions..... 527
Letter to Destutt Tracy..... 527
Allston's letter to Burr's daughter..... 528
Cotton trade—Progress of western states..... 528
New constitution of Kentucky..... 530
Henry Clay—His first public effort..... 530
Territory west of the Chattahoochee..... 531
Spanish evacuation—"Mississippi Territory"..... 531
Condition of the north-western region..... 532
Occupations of inhabitants—Census taken..... 532, 533
"Indiana Territory" erected..... 534
Treaties with the Cherokees and the Creeks..... 535
Louisiana; its relation to the United States..... 535
Henry Clay's speech at Lexington..... 537
Jefferson's letter to Colonel Nicholas's son..... 537
APPENDIX TO CHAPTER XIV.
Statistical Tables..... 539

Book Third.

[*CONTINUED.*]

FROM

THE DECLARATION OF INDEPENDENCE

TO THE

TREATY OF PEACE.

1776—1783.

HISTORY

OF THE

UNITED STATES OF AMERICA.

CHAPTER V.

1778.

CLOSE OF THE CAMPAIGN OF 1778.

Sir Henry Clinton evacuates Philadelphia — Amount of the British and American force — Opinion of the Council of War — Measures taken to hinder the march of the British — Washington pursues Clinton — Determines to attack the enemy — Battle of Monmouth — Conduct of Lee — Result of the battle — Trial of General Lee — The sentence — Incident in the life of Lee — Arrival of the French fleet — Sails for New York and thence for Rhode Island — Operations in Rhode Island — D'Estaing's movements — Naval battle — D'Estaing resolves to leave for Boston — Sullivan compelled to retreat — Washington's letters — Expedition of the British — Destruction of Bedford and other towns — Congress receives the French ambassador — Botta's remarks — British determine to use severity in warfare — Destruction of Wyoming — Foraging parties — Baylor's regiment bayonetted — Pulaski's legion savagely cut to pieces — Mr. Sparks's remarks on the impolicy of the British course in these matters — Congress recommend retaliation — Byron and the British fleet — D'Estaing goes to the West Indies — British troops leave for the south — The army go into winter-quarters — Jealousies and party dissensions in Congress — Washington's letter to Harrison — Retaliatory operations against the Indians — Colonel Clarke's expedition — General languor prevailing — Washington goes to Philadelphia — Plan of next year's campaign — War carried to the South — Campbell captures Savannah — His policy — Steuben's labors in disciplining the troops — Naval operations at this date — Gallant exploits of Biddle, Jones, Barry, and Talbot — Adoption of the Articles of Confederation.

It being probable that a French fleet would soon arrive off the coast of the United States, Sir Henry Clinton received orders to evacuate Philadelphia at an early day. He was also directed to send a portion of his force to aid in making a descent upon the French possessions in the West Indies, and to withdraw the remainder to New York. Shipping a part of his troops, he prepared to march through New Jersey with the main body of his army. Accordingly, on the 18th of June, Clinton evacuated Philadelphia, and Arnold, with a small detachment, marched in to take the com-

1778

mand. A few days afterwards, Congress returned to the city and resumed its sessions there.

At this date, the British army in Philadelphia, New York, and Rhode Island, numbered more than thirty-three thousand; while Washington's force altogether did not exceed fifteen thousand, nor was it probable that it could be easily raised higher than twenty thousand effective men. The Council of War, although supposing the British force to be less than half its actual number, were nevertheless opposed to the venturing upon offensive operations; and, with the exception of Washington and one or two others, there was a strong opinion against attacking the British, so as to bring on a general engagement. Lee, who had recently been exchanged, went so far as to declare it "criminal" to risk a battle with an enemy so superior in discipline and strength. Most of the foreign officers agreed with Lee's opinion. Washington, in consequence, felt bound to act with great circumspection; for, although he himself was in favor of a battle, he did not like to go counter to the opinions of his Council in a matter of so great importance.

Previous to this, Washington had detached General Maxwell, with the Jersey brigade, across the Delaware, to co-operate with General Dickinson, who was assembling the Jersey militia, in breaking down the bridges, felling trees across the roads, and impeding and harassing the British troops in their retreat; but with orders to be on his guard against a sudden attack.

Of the two roads leading from Philadelphia to New York, the one ran along the western bank of the Delaware to the ferry at Trenton, and the other along the eastern bank to the same point. The British army, unmolested by the Americans, had crossed the Delaware at Gloucester Point, and had taken the latter of the two roads just mentioned. In marching through a difficult and hostile country, Sir Henry Clinton prudently carried along with him a considerable quantity of baggage, and a large supply of provisions; so that the progress of the army, thus heavily incumbered, was but slow. It proceeded leisurely through Haddonfield, and Mount Holly, and reached Crosswicks and Allentown, June 24th; having, in seven days, marched less than forty miles. This slow progress made the Americans believe that Sir Henry Clinton was disposed to wish for an attack. General Maxwell, who was posted at Mount Holly, retired on his approach; and neither he nor Dickinson was able to give him much molestation.

As the march of the British army, thus far, was up the Delaware, and only at a small distance from that river, Washington, who left Valley Forge on the day that Sir Henry Clinton evacuated Philadelphia, found it necessary to take a circuitous route, and pass the river higher up, at Coryell's Ferry, where he crossed it on the 22d of June, and took post at Hopewell, on the high grounds in that vicinity, and remained during the 23d in that position. 1778.

From Allentown there were two roads to New York; one on the left passing through South Amboy to the

Hudson River, the other on the right leading to Monmouth and Sandy Hook. The first of these was somewhat shorter, but the Raritan River lay in the way, and it might be difficult and dangerous to pass it in presence of the enemy. Sir Henry Clinton, therefore, resolved to take the road to Sandy Hook, by which the Raritan would be altogether avoided.

Washington again asked the advice of the Council of War, at Hopewell. Lee persisted in the view previously expressed, and his opinion had weight in the Council. But the commander-in-chief, deeming the reputation of the army in measure involved, and knowing that it was expected by the country that an attack should be made upon the enemy, proceeded to act on his own judgment in the case. Though cautious and prudent, Washington was by no means without enterprise, and he could not be persuaded that the chances of war were so much against him as to threaten the alarming consequences suggested by Lee and others. There was, among the officers, a general concurrence in a proposal for strengthening the corps on the left flank of the enemy with one thousand five hundred men, so as to improve any partial advantages that might offer, and so that the main body should preserve a relative position for acting as circumstances might require.

Washington, on receiving intelligence that Sir Henry Clinton was proceeding towards Monmouth Court-House, dispatched one thousand men, under General Wayne, and sent forward General Lafayette to take command of the whole, with orders to seize the first fair opportunity of attacking the enemy's rear. The command of this corps had been offered to General Lee, but he declined it. The whole army followed at a proper distance for supporting the advanced corps, and reached Cranberry the next morning. Clinton, sensible of the approach of the Americans, placed his grenadiers, light infantry, and chasseurs, in his rear, and his baggage in his front. Washington increased his advanced corps with two brigades, and sent General Lee, who, for some reason, having changed his mind, now wished for the command, to take charge of the whole, and followed with the main army to give it support. On the next morning, June 28th, orders were sent to Lee to move on and attack, "unless there should be very powerful reasons to the contrary." When Washington had marched about five miles to support the force in advance, he found the whole of it, five thousand in number, retreating by Lee's orders. and without having made any opposition of consequence. Shocked and astounded, Washington rode up to Lee and demanded what all this meant. Lee answered with warmth, and unsuitable language.* The commander-in-chief ordered Colonel Stewart's and Lieutenant Colonel Ramsay's battalions, to form on a piece of ground which he judged suitable for giving a check to the advancing enemy. Lee was then asked if he would command on that ground, to which he promptly consented, and was ordered to take

* See Irving's "*Life of Washington*," vol. iii., p. 426

proper measures for checking the enemy; to which he replied, "Your orders shall be obeyed, and I will not be the first to leave the field." Washington then rode to the main army, which was formed with the utmost expedition. A sharp cannonade immediately commenced between the British and American artillery, and a heavy firing between the advanced troops of the British army and the two battalions which Washington had halted. These stood their ground till they were intermixed with a part of the British army. General Lee continued till the last on the field of battle, and brought off the rear of the retreating troops.

The check the British received gave time to make a disposition of the left wing and second line of the American army, in the wood and on the eminence to which Lee was retreating. On this some cannon were placed by Lord Stirling, who commanded the left wing, which, with the co-operation of some parties of infantry, effectually stopped the advance of the British in that quarter. General Greene took a very advantageous position on the right of Lord Stirling.* The British attempted to turn the left flank of the Americans, but were repulsed. They also made a movement to the right, with as little success; their design being prevented by Greene's artillery. Wayne advanced with a body of troops, and kept up so severe and well directed a fire, that the British were soon compelled to give way. They retired, and took the position which Lee had before occupied. Washington resolved to attack them, and ordered General Poor to move round upon their right, and General Woodford to their left; but they could not get within reach before it was dark. These remained on the ground which they had been directed to occupy, during the night, with an intention of attacking early next morning; and the main body lay on their arms in the field to be ready for supporting them.* General Washington, after a day of great activity and much personal danger, reposed among his troops on his cloak under a tree, in hopes of renewing the action the next day.

The British, however, marched away in the night, in such silence that General Poor, though he lay very near them, knew nothing of their departure. They left behind them four officers and about forty privates, all so badly wounded that they could not be removed. Their other wounded were carried off. The British pursued their march without farther interruption, and soon reached the neighborhood of Sandy Hook, without the loss of either their covering party or baggage. Washington declined all farther pursuit of the royal army, and soon after drew

* Lafayette, speaking of this battle says, "Never was General Washington greater in war than in this action. His presence stopped the retreat. His dispositions fixed the victory. His fine appearance on horseback, his calm courage, roused by the animation produced by the vexation of the morning, gave him the air best calculated to excite enthusiasm."

* As an instance of the intense heat of the day it is stated that fifty-nine British soldiers perished without a wound; and several of the American soldiers died from the same cause.

off his troops to the borders of the Hudson River. The loss of the Americans in killed and wounded was about two hundred and fifty. The loss of the royal army, inclusive of prisoners, was about three hundred and fifty. On the whole, although victory can hardly be said to have rested on the American arms, the result of the battle was quite satisfactory. It was fought with bravery and skill, and had it not been for General Lee's strange conduct, it might have eventuated in a complete defeat of the British force.

On the ninth day after the battle, Congress unanimously resolved, "that their thanks be given to General Washington for the activity with which he marched from the camp at Valley Forge in pursuit of the enemy; for his distinguished exertions in forming the line of battle; and for his great good conduct in leading on the attack, and gaining the important victory of Monmouth, over the British grand army, under the command of General Sir Henry Clinton, in their march from Philadelphia to New York."

It is probable that Washington intended to take no further notice of Lee's conduct on the field of battle, but the latter could not brook the expressions used by the commander-in-chief at their first meeting, and wrote him two passionate letters. This led to his being tried by a court martial at his own request. The charges exhibited against him were: 1st. For disobedience of orders in not attacking the enemy on the 28th of June agreeable to repeated instructions. 2dly. For misbehavior before the enemy on the same day, by making an unnecessary, disorderly, and shameful retreat.* 3dly. For disrespect to the commander-in-chief in two letters.

After a tedious hearing before the court, of which Lord Stirling was president, Lee was found guilty, and sentenced to be suspended from any command in the armies of the United States for the term of one year; but the second charge was softened by the court, which found him guilty of misbehavior before the enemy, by making an unnecessary, and, in some few instances, a disorderly retreat.

Congress, after some hesitation, approved the sentence of the court, and Lee, deeply chagrined, left the army never to join it again. He finished his career in Philadelphia, October 2d, 1782; a career marked as much by folly and impiety, as by ability and superior military knowledge.†

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* Chief Justice Marshall, speaking of Lee's defence before the court, says, "He suggested a variety of reasons in justification of his retreat, which, if they do not absolutely establish its propriety, give it so questionable a form as to render it probable that a public examination never would have taken place, could his proud spirit have stooped to offer explanation, instead of outrage, to the commander-in-chief."

† Mr. Sparks, in a note, mentions a curious incident in the life of General Lee. By order of Congress, while the army was at Valley Forge, Washington was directed to administer the oath of allegiance to the general officers. The major-generals stood round Washington, and took hold of a Bible, according to the usual custom; but Lee, just as the oath was about to be administered, withdrew his hand deliberately, twice in succession. The action was singular and remarkable, causing a smile from the other officers. On Washington's inquiring the meaning of his conduct, Lee remarked, "As to King George, I am ready enough to absolve myself from all allegiance to him, but I have some scruples about the Prince of Wales." This odd reply caused

Early in July, at the very time when the British army reached New York, the Count D'Estaing, with a French fleet, appeared off the coast of Virginia. This fleet had sailed from Toulon the 13th of April; but meeting with contrary winds had been thus long delayed. It was confidently expected that the Count D'Estaing would find the British still in Philadelphia; and had he done so, it must have proved disastrous to the entire force, hemmed in between the French on the sea and the American army on land. Having ascertained that the British had evacuated Philadelphia, the French commander sailed to the northward, and on the evening of the 11th of July, appeared off Sandy Hook. Lord Howe, whose fleet amounted only to six ships of the line, four of fifty guns each, and some frigates and smaller vessels, had been informed of D'Estaing's arrival on the coast some days before he appeared in sight, and had made a judicious disposition of his force for the defence of New York. For some time after the French came in sight, the wind was unfavorable to an attempt on the British fleet; however, on the 22d of July, it veered to the eastward, the French squadron got under way, and the British expected to be immediately attacked. But the pilots being unanimously of opinion that the French ships of war could not pass the bar at Sandy Hook, and refusing to undertake to carry them through the channel, D'Estaing was compelled to stand out to sea, and sailed as far south as the capes of the Delaware, where he altered his course and steered directly for Rhode Island, off which he appeared on the 29th of the month. There he meditated an attack, in which General Sullivan, with a detachment from General Washington's army, and reinforcements from New England, was to co-operate.

1778.

The Americans had been preparing for some time to attempt the reduction of Rhode Island; and Sullivan had been appointed to superintend and hasten the preparations. His measures did not escape the notice of General Pigot, who was commander on the island, and who, in order to impede the operations of the Americans, had ordered two different incursions into Providence Plantation, one conducted by Colonel Campbell, and another under Major Eyre, in which a quantity of military and naval stores, some galleys and armed sloops, with upwards of a hundred boats prepared for the expedition, were destroyed. These losses retarded the preparations of General Sullivan; and for several days after the arrival of the French fleet, the Americans were not ready to co-operate with their allies.

Rhode Island consists of two parts connected by an isthmus, and has a number of small islands near it. Newport, the chief town of the island, stands to the west of the isthmus; and the island of Connanicut lies off it, between Rhode Island and the main land. There are three entrances to the town,

a laugh, and for a time interrupted the ceremony. It was, however, resumed, and Lee took the oath with the rest. The subsequent conduct of General Lee at Monmouth gave rise to a suspicion as to the patriotism of the officer next in rank to Washington: probably, however, the whole matter was only an illustration of Lee's well-known eccentricities.

one by the east or Seakonet Passage; another by the west of the island, between it and Connanicut, called the Main Channel; and another by the west of Connanicut, called the West or Narraganset Passage, and which unites with the Main Channel at the east of Connanicut.

The British garrison, under General Pigot, amounted to six thousand men. The main body lay at Newport; three regiments were stationed on Connanicut Island; the isthmus was defended by a chain of redoubts; and each of the three entrances by sea was guarded by frigates and galleys, which were destroyed on the appearance of Count D'Estaing, to prevent them from falling into his hands. D'Estaing stationed some ships of war both in the Seakonet and Narraganset passages, while he effectually closed the main channel, by anchoring with his fleet at its mouth; and in that situation he remained till the 8th of August. The Americans being then ready to co-operate with him, he sailed towards the harbor, receiving and returning the fire of several batteries as he passed, and anchored between Newport and Connanicut.

On the first appearance of the French fleet at Rhode Island, information of the event was sent to New York; and Lord Howe, whose squadron was then increased to eight ships of the line, five of fifty guns each, two of forty, four frigates, with three fire-ships, two bombs, and a number of inferior vessels, after having been detained four days by contrary winds, sailed towards Rhode Island, appeared in sight of it early on the 9th of August, and in the evening anchored off Point Judith, without the entrance into the Main Channel.

On the morning of the 10th, the wind having changed to the northeast, the Count D'Estaing was seized with a sudden impulse to sail out and test the ability of Howe to meet him on the ocean.* Accordingly, deserting for the time the post of importance where he could aid the Americans, he stood out to sea in search of the British fleet. Lord Howe, on seeing so formidable an armament advance to engage him, and being under the wind, which gave the French the weather-gage, declined coming to action, and manœuvred with great ability in order to gain that advantage for himself. A contest ensued for it which lasted the whole day; the French admiral striving with equal eagerness to retain it. Towards the close of the second day, when the action was about to commence, the fleets were separated by a violent storm, which dispersed and considerably injured both of them. Single ships afterward fell in with each other, and spirited encounters ensued; but no important advantage was gained on either side. Lord Howe returned to New York, and D'Estaing to Newport, both in a shattered condition. 1778.

When D'Estaing followed Lord Howe from Rhode Island, Sullivan's army, amounting to ten thousand men, chiefly militia, was ready to take the field: it was proposed, however, not to

* See Peabody's "*Life of John Sullivan*," p. 98, etc., for an able discussion of the conduct of the Count D'Estaing, and the results which followed.

commence hostilities till the return of the French, in order that they might not offend D'Estaing, who had already manifested some jealousy and irritation on points of form and ceremony. But, as the American army could not be long kept together, that proposal was overruled, and it was resolved immediately to begin active operations.

General Pigot now withdrew his troops from Connanicut, called in his outposts, and concentrated his force in the vicinity of Newport, where he occupied an entrenched camp. The American army was transported from the main land to the northeast end of the island, took possession of a fortified post, which the British had abandoned, and marched toward Newport, to besiege the enemy's camp at that place.

But, on the 12th of August, before Sullivan had begun the siege, his army was overtaken by the furious storm of wind and rain which dispersed and damaged the fleets. It blew down and almost irreparably injured the tents, rendered the fire-arms unfit for immediate use, and damaged the ammunition, of which fifty rounds had just been delivered to each man. The soldiers, having no shelter, suffered severely, and some of them perished in the storm, which lasted three days; afterwards the American army advanced towards the British lines, and began the siege. But the absence of the fleet rendered the situation of General Sullivan's army precarious, as the British force at Newport could easily be increased. On the evening of the 20th, D'Estaing again appeared off the island; but the joy of the Americans on that occasion was of short duration. For he immediately informed General Sullivan that, in obedience to written orders which he had with him, and agreeably to the advice of all his officers, he was about to sail to the harbor of Boston. His instructions were to enter that port, in case he should meet with any disaster, or find a superior British fleet on the coast. The shattered condition of his ships, and the arrival of Admiral Byron with reinforcements from England, constituted, so his officers urged, the very state of things contemplated in his instructions; and therefore he resolved to proceed to Boston.

Convinced that the departure of the French force would completely ruin the whole enterprise, both Greene and Lafayette besought D'Estaing, in a personal interview, that he would not, by persisting in his resolution, abandon the interests of the common cause; they represented to him the importance, to France as well as America, of the enterprise commenced; that it was already so well advanced as to leave no doubt of success; that it could not be relinquished in its present stage without shaming and disgusting the Americans, who, confiding in the promised co-operation of the French fleet, had undertaken it with alacrity, and made incredible exertions to provide the requisite stores; that to be deserted at so critical a moment would furnish a triumph to the disaffected, who would not fail to exclaim that such was French faith, and the fruit of the alliance; that the successive miscarriages of the Delaware, of Sandy Hook, and finally this of Newport, could not but produce a

high state of exasperation. They added that with a fleet in so shattered a condition, it would be very difficult to pass the shoals of Nantucket; that it could be repaired more conveniently at Newport than at Boston; and finally, that its present station afforded advantages over Boston for distressing the enemy; while in the event of the arrival of a superior fleet, it would be no more secure at Boston than at Newport. But all was fruitless. Notwithstanding a protest, signed by all the leading officers, except Lafayette, and sent to the Count, just as he had got under way, he set sail, the 22d of August, and three days after came to anchor in the harbor of Boston.

1778.

General Sullivan, as Gordon states, was so chagrined at the departure of the fleet, that, contrary to all policy, he gave out in general orders, on the 24th, "The General cannot help lamenting the sudden and unexpected departure of the French fleet, as he finds it has a tendency to discourage some who placed great dependence upon the assistance of it, though he can by no means suppose the army, or any part of it, endangered by this movement. He yet hopes the event will prove America able to procure that by her own arms, which her allies refuse to assist in obtaining." Two days after, in new orders, he endeavored to smooth off the reflection contained in it, by declaring that he meant not to insinuate that the departure of the French fleet was owing to a fixed determination not to assist in the enterprise, and would not wish to give the least color to ungenerous and illiberal minds to make such unfair interpretations. Count D'Estaing, when he had arrived at Boston, wrote to Congress, on the 26th, and in his letter mentioned—the embarrassments of the king's squadron as well on account of water as provisions, how his hopes were deceived with regard to these two articles, which were growing more and more important—that it was necessary for him to confine all his attention to the preservation of the squadron, and restoring it to a condition to act—that he was no longer at liberty to depend on deceitful expectations of watering and getting provisions. He justified his repairing to Boston from the situation of his ships, the advices of a squadron from Europe, the ignorance of what was become of Lord Howe's fleet, and the advantage that his lordship would have had for attacking him had he returned into Newport. He also expressed his displeasure at the protest.

Perhaps it was hardly reasonable to censure the Count for repairing to Boston, when all his officers insisted so upon the measure; though, had he returned into Newport, the garrison would most probably have capitulated before Howe could have succored them. Upon the fleet's sailing for Boston, it was said—"There never was a prospect so favorable, blasted by such a shameful desertion." A universal clamor prevailed against even the whole French nation: and letters were sent to Boston containing the most bitter invectives, tending to prejudice the inhabitants against D'Estaing and all his officers, to counteract which the cooler and more judicious part of the community em-

ployed their good offices. Between two and three hundred volunteers left the camp in the course of twenty-four hours, and others continued to go off, and even many of the militia; so that in three days Sullivan's army was greatly decreased; it was soon little more in number than that of the enemy.

In this state of things, Sullivan resolved, on the 26th of August, to raise the siege, and retire to the north end of the island, preparatory to the entire abandonment of the expedition. On the 29th, he put himself in motion with all the army. Though warmly pursued by the English and Hessians, he rejoined his van without loss. But the enemy coming up in more force, there ensued a very hardly fought battle in the environs of Quaker Hill, in which the loss was very severe on both sides. At length, the Americans repulsed the English with admirable spirit; and in the course of the night of the 30th, the troops of Sullivan reached the main land by the passages of Bristol and Howland's Ferry.

Such was the issue of an expedition, undertaken not only with the fairest prospect of success, but which had been carried to the very threshold of a brilliant termination. General Sullivan made his retreat just in time; for the next day Clinton arrived with four thousand men and a light squadron, to the relief of Newport. If the winds had favored him more, or if Sullivan had been less prompt to retreat, assailed in the island by an enemy whose force was double his own, and his way to the main land intercepted by the English vessels, his position would have been little less than desperate. His prudence received merited acknowledgements on the part of Congress.

Washington foresaw the evils likely to result from the general and mutual irritation which prevailed, and exerted all his influence to calm the minds of both parties. He had a powerful coadjutor in Lafayette, who was as deservedly dear to the Americans as to the French. His first duties were due to his king and country; but he loved America, and was so devoted to the commander-in-chief of its armies, as to enter into his views, and second his softening conciliatory measures, with truly filial affection.

Washington also wrote to General Heath, who commanded at Boston, and to Sullivan and Greene, who commanded at Rhode Island. In his letter to General Heath, he stated his fears "that the departure of the French fleet from Rhode Island, at so critical a moment, would not only weaken the confidence of the people in their new allies, but produce such prejudice and resentment as might prevent their giving the fleet, in its present distress, such zealous and effectual assistance as was demanded by the exigence of affairs, and the true interests of America:" and added, "that it would be sound policy to combat these effects, and to give the best construction of what had happened; and at the same time to make strenuous exertions for putting the French fleet as soon as possible, in a condition to defend itself, and be useful." He also observed as follows—"The departure of the fleet from Rhode Island, is not yet publicly announced here; but

when it is, I intend to ascribe it to necessity produced by the damage received in the late storm. This, it appears to me, is the idea which ought to be generally propagated. As I doubt not the force of these reasons will strike you equally with myself, I would recommend to you to use your utmost influence to palliate and soften matters, and to induce those whose business it is to provide succors of every kind for the fleet, to employ their utmost zeal and activity in doing it. It is our duty to make the best of our misfortunes, and not suffer passion to interfere with our interest and the public good."

Writing to General Sullivan, he observed: "The disagreement between the army under your command and the fleet, has given me very singular uneasiness. The continent at large is concerned in our cordiality, and it should be kept up by all possible means consistent with our honor and policy. First impressions are generally longest retained, and will serve to fix in a great degree our national character with the French. In our conduct towards them, we should remember, that they are a people old in war, very strict in military etiquette, and apt to take fire when others seem scarcely warmed. Permit me to recommend in the most particular manner, the cultivation of harmony and good agreement, and your endeavors to destroy that ill-humor which may have found its way among the officers. It is of the utmost importance, too, that the soldiers and the people should know nothing of this misunderstanding; or if it has reached them, that means may be used to stop its progress, and prevent its effects."

To General Greene, Washington wrote: "I have not now time to take notice of the several arguments which were made use of, for and against the Count's quitting the harbor of Newport, and sailing for Boston. Right or wrong, it will probably disappoint our sanguine expectations of success, and, which I deem a still worse consequence, I fear it will sow the seeds of dissension and distrust between us and our new allies, unless the most prudent measures be taken to suppress the feuds and jealousies that have already arisen. I depend much on your temper and influence to conciliate that animosity which subsists between the American and French officers in our service. I beg you will take every measure to keep the protest entered into by the general officers from being made public. Congress, sensible of the ill consequences that will flow from our differences being known to the world, have passed a resolve to that purpose. Upon the whole, my dear sir, you can conceive my meaning better than I can express it; and I therefore fully depend on your exerting yourself to heal all private animosities between our principal officers and the French, and to prevent all illiberal expressions and reflections that may fall from the army at large."

Washington also improved the first opportunity of recommencing his correspondence with Count D'Estaing, in a letter to him, which, without noticing the disagreements that had taken place, was well calculated to soothe

every unpleasant sensation which might have disturbed his mind.* In the course of a short correspondence, the irritation which threatened serious mischiefs gave way to returning good understanding and cordiality; although here and there popular ill-will manifested itself in rather serious quarrels and disputes with the French sailors and marines.

Sir Henry Clinton, finding that General Sullivan had effected his retreat from Rhode Island, set out on his return to New York; but that the expedition might not be wholly ineffectual, he meditated an attack on New London. The wind, however, being unfavorable to the enterprise, he gave the command of the troops on board the transports to General Grey, with orders to proceed to an expedition against Buzzard's Bay, and continued his voyage to New York. In obedience to the orders which he had received, Grey sailed to Acushnet River, where he landed, on the 5th of September, and de-
1778. stroyed all the shipping in the river, amounting to more than seventy sail. He burned a great part of the towns of Bedford and Fairhaven, the one on the west and the other on the east bank, ruthlessly destroying a considerable quantity of military and naval stores, provisions, and merchandise. He landed at six in the evening; and so rapid were his movements, that the work of destruction was accomplished and the troops reimbarked before noon the next day. He then proceeded to the island called Martha's Vineyard, where he took or burned several vessels, destroyed a salt work, compelled the inhabitants to surrender their arms, and levied upon them for a very large supply of sheep and oxen, which proved a seasonable relief to the British in New York.

Congress, meanwhile, having returned to Philadelphia, took occasion, on the 6th of August, to receive publicly, and with all the appropriate ceremonies, M. Gerard, minister plenipotentiary from the king of France. He delivered the proper letter of credence, and made a complimentary address, which was replied to by Mr. Laurens, in the same strain, in behalf of Congress and the United States. Thus, as the eloquent Italian historian finely says, a king extended an auxiliary hand to a republic against another king! Thus the French nation came to the succor of one English people against another English people; thus the European powers, who, until then had acknowledged no other independent nations in America, except the savages and barbarians, looking upon all the others as subjects, began to recognize as independent and sovereign a civilized nation, and to form alliance with it, as such, by authentic treaties. An event assuredly worthy to arrest our particular attention; since the discovery of America by Columbus, none of equal or of similar importance had passed before the eyes of men. Such, in America, were the fruits either of the love of liberty or the desire of independence. Such were the consequences, in Europe, of a blind obstinacy, or of a pride perhaps necessary or the one

* See Irving's "*Life of Washington*," vol. iii., p. 466.

part; of jealousy, of power, and a thirst of vengeance on the other!

We may properly mention in this connection, that Dr. Franklin, on the 14th of September, was appointed by Congress, minister plenipotentiary to France. 1778.

In consequence of the ill success of the royal commissioners in America, a disposition was manifested by the British officers and soldiers to treat the Americans as incorrigible rebels, and unworthy the ordinary comity of war. Several instances of this occurred in the course of the year, the effects of which were very deplorable, and served to aggravate the horrors of the contest. The history of Wyoming and its sad fate, illustrates the tragic page of American annals. We give the story mainly in the words of Dr. Thacher, in his "Military Journal."

At a place on the eastern branch of the Susquehannah River was a flourishing settlement called Wyoming. It consisted of eight townships, containing one thousand families; and such was the zeal with which they espoused the cause of America, that they voluntarily raised about one thousand soldiers for the continental army. The climate and soil of this territory are admirably adapted to the production of grain, hemp, fruit and stock of all kinds. The inhabitants of this secluded spot might have lived in the enjoyment of all the happiness which results from harmony and the purest natural affection. But unfortunately they suffered themselves to be divided by the turbulent spirit of party, distinguished by the epithet of whig and tory. When this rancorous spirit was permitted to disclose itself, animosities arose to such an astonishing height, as to sever the tenderest ties of family friendship, and the dearest connections. Many of the active inhabitants, influenced by malice and revenge, abandoned their plantations, forsook their neighbors and friends, and allied themselves with the savages, whom they instigated and assisted in the barbarous work of slaughter and death among their friends. The inhabitants, on receiving intelligence that an enterprise was preparing against them, and sensible of their perilous situation, threw up intrenchments and redoubts, to defend themselves against the gathering storm. About the 1st of July, the ferocious enemy, consisting of one thousand six hundred tories, Indians, and half-blooded Englishmen, approached the settlement, and were perceived lurking about their borders. This motley combination was commanded by Colonel John Butler, a tory refugee, and others no less inhuman and cruel than their savage allies. In order to lull the inhabitants into security, the enemy several times sent messages to the settlers that they had no hostile designs against them, and the treacherous Butler himself declared that he should not molest them the present season. The inhabitants, however, had reason to distrust their professions, and those capable of bearing arms were immediately embodied under the command of Colonel Zebulon Butler, cousin to the commander of the savages. The women and children were directed to take refuge in the forts. The enemy approached; and, 1778.

pretending they were desirous of a parley, proposed that Colonel Zebulon Butler should meet them at some distance from the fort for that purpose. He complied, but for safety took with him four hundred armed men. This proved to be a fatal stratagem; he soon found himself surrounded and attacked on every side; he and his little party defended themselves with great firmness and bravery; and the commander, with about twenty of his men, finally made their escape. The enemy now rushed on and invested the fort, which they cannonaded most of the day; and, horrid to relate, when they sent in a demand for the surrender, it was accompanied by one hundred and ninety-six bloody scalps taken from those who had just been slain. Colonel Dennison, on whom the command of the fort had devolved, defended himself till most of his men had fallen by his side, when he went out with a flag, to inquire what terms would be granted him on surrendering the garrison? He received from the ferocious Butler a reply in two words—"*the hatchet.*" Colonel Dennison was finally obliged to surrender at discretion, still retaining a hope of mercy. But he was wofully mistaken; the threat of Butler was rigorously executed; after selecting a few prisoners, the remainder of the people, including women and children, were inclosed in the houses and barracks, which were immediately set on fire, and the whole consumed together. Another fort was near at hand, in which were seventy continental soldiers; on surrendering without conditions, these were, to a man, butchered in a barbarous manner; when the remainder of the men, women and children were shut up in the houses, and the demons of hell glutted their vengeance in beholding their destruction in one general conflagration!

This tragical scene being finished, the merciless authors of it spread fire and sword throughout the settlement, sparing, however, the houses and farms of the tories; they extended their cruel hands to the cattle in the field, shooting some, and cutting out the tongues of others, leaving them alive. One of the prisoners, a Captain Badlock, was committed to torture, by having his body stuck full of splinters of pine knots, and a fire of dry wood made round him, when his two companions, Captains Ranson and Durkee, were thrown into the same fire, and held down with pitchforks till consumed. One Partial Terry, the son of a man of respectable character, having joined the Indian party, several times sent his father word that he hoped to wash his hands in his heart's blood; the monster, with his own hands, murdered his father, mother, brothers and sisters, stripped off their scalps, and cut off his father's head! Thomas Terry, with his own hands, butchered his own mother, his father-in-law, his sisters and their infant children, and exterminated the whole family! A few individuals, mostly women and children, made their escape during the carnage of the day, and dispersed themselves, wandering in the woods, destitute of provision or covering, shuddering with terror and distress. It is only in the infernal regions that we can look for a parallel in-

stance of unnatural wickedness. The cries of widows and orphans call for the avenging hand of Heaven. The name of Colonel John Butler ought to be consigned to eternal infamy, for the base treachery and cruelty with which he betrayed his kinsman, Colonel Zebulon Butler, a respectable American officer, while under the sanction of a flag.

Apprehending that possibly Clinton might be intending to make an attack upon Boston, Washington established his head-quarters at Fredericksburg, thirty miles from West Point, near the borders of Connecticut. The return of the British fleet and troops to New York clearly showed that the enemy had no designs in that direction. Clinton, meanwhile, was not inactive. Foraging parties were sent into New Jersey; and the same merciless conduct, which we have before noted, characterized the British troops on every occasion. Colonel Baylor's regiment of dragoons, about the close of September, while in a detached position near Tappan, to watch a foraging party of the enemy, were suddenly surprised and attacked in the night. The slaughter

1778. was terrible, and nearly the whole troop was bayoneted on the spot. A similar savage assault was made upon Pulaski's cavalry corps, at Egg Harbor, about the middle of October; and acts of cruelty were performed which were not only disgraceful in civilized warfare, but excited to a high degree the spirit of hatred and longing for revenge. Mr. Sparks, in alluding to the impolicy as well as cruelty of the British expeditions at this time, makes the following remarks, which are well worthy the reader's attention. "In fact," he says, "this point of policy was strangely misunderstood by the British, or more strangely perverted, at every stage of the contest. They had many friends in the country, whom it was their interest to retain, and they professed a desire to conciliate others; yet they burned and destroyed towns, villages, and detached farm-houses, plundered the inhabitants without distinction, and brought down the savages, with the tomahawk and scalping-knife, upon the defenceless frontier settlements, marking their course in every direction with murder, desolation, and ruin. The ministry approved and encouraged these atrocities, flattering themselves that the people would sink under their sufferings, bewail their unhappy condition, become tired of the war, and compel their leaders to seek an accommodation. The effect was directly the contrary in every instance. The people knew their rights, and had the common feelings of humanity; and, when the former were wantonly invaded, and the latter outraged, it was natural that their passions should be inflamed, and that they who were at first pacifically inclined, should be roused to resistance and retaliation. If the British cabinet had aimed to defeat its own objects, and to consolidate the American people into a united phalanx of opposition, it could not have chosen or pursued more effectual methods."*

On the 30th of October, Congress, thoroughly roused by the course pursued by the British of late, passed a

* "*Life of Washington*," p. 282.

resolve, which concluded with these emphatic words: "We, therefore, the Congress of the United States of America, do solemnly declare and proclaim that if our enemies presume to execute their threats, or persist in their present career of barbarity, we will take such exemplary vengeance as shall deter others from a like conduct. We appeal to that God who searcheth the hearts of men, for the rectitude of our intentions; and in his holy presence we declare, that, as we are not moved by any light and hasty suggestions of anger and revenge, so, through every possible change of fortune, we will adhere to this our determination."

Admiral Byron, who was appointed to the command of the British fleet, as successor of Lord Howe, arrived at New York, about the middle of September. He had met with very stormy weather, and the fleet had suffered not a little. He made every exertion to repair his shattered squadron; but was not ready for sea till the 18th of October, when he sailed for Boston in quest of D'Estaing. Ill success still attended him; for scarcely had he reached the Bay of Boston, when, on the 1st of November, a violent storm arose, which drove him to sea, and so disabled his ships, that he was obliged to hasten to Rhode Island to refit. D'Estaing, having repaired his fleet, seized the opportunity of Admiral Byron's absence, to put to sea, on the 3d of November, and steered for the West Indies. On the same day, General Grant, with a detachment of six thousand men from the British army, convoyed by six sail of the line under Commodore Hotham, sailed for the same quarter. Towards the end of the month, a detachment of above two thousand British troops, under Lieutenant-colonel Campbell, embarked with the design of invading the southern states, and was escorted by Commodore Parker. A sufficient force still remained at New York for its defence.

1778.

The campaign in the northern and middle states being closed, Washington put the army into winter-quarters. The main body of the troops was stationed on both sides of the Hudson, near Middlebrook, West Point, and Danbury. The artillery was at Pluckemin. A line of cantonments was thus formed around New York, from Long Island Sound to the Delaware, and so arranged, as to be able to reinforce each other in case of necessity. General Putnam commanded at Danbury, and McDougall in the Highlands; and Lincoln was sent to take command in the southern department. The greater part of the troops were on the west side of the river, because from that quarter the supplies of bread were drawn, while the animal food was brought from the states of New England; and it was easier to drive the cattle, than to transport the corn from a distance. The army was lodged in huts, as in the preceding winter; but, by means of the French alliance, the men were more comfortably clothed than formerly.

It was a source of great anxiety to the commander-in-chief, that, at this time, jealousies and party dissensions were unhappily prevalent in Congress.

The distinguished men who had been members of that body, had, to a considerable extent, withdrawn, and the number left was not only small, but of comparatively little weight and influence. Between twenty and thirty members only were present, in general; frequently entire states were unrepresented; and party feuds sadly interfered with the efficiency and energy of Congress. Washington, deeply concerned at all this, gave expression to his apprehensions, in a forcible letter, addressed to his friend, Benjamin Harrison, of Virginia. His letter was dated December 18th.

"It appears as clear to me," he said, "as ever the sun did in its meridian brightness, that America never stood in more eminent need of the wise, patriotic, and spirited exertions of her sons than at this period; and, if it is not a sufficient cause for general lamentation, my misconception of the matter impresses it too strongly upon me, that the states, separately, are too much engaged in their local concerns, and have too many of their ablest men withdrawn from the general council, for the good of the common weal. In a word, I think our political system may be compared to the mechanism of a clock, and that we should derive a lesson from it; for it answers no good purpose to keep the smaller wheels in order, if the greater one, which is the support and prime mover of the whole, is neglected.

1778.

"How far the latter is the case, it does not become me to pronounce; but, as there can be no harm in a pious wish for the good of one's country, I shall offer it as mine, that each state would not only choose, but absolutely compel their ablest men to attend Congress; and that they would instruct them to go into a thorough investigation of the causes, that have produced so many disagreeable effects in the army and country; in a word, that public abuses should be corrected. Without this, it does not, in my judgment, require the spirit of divination to foretell the consequences of the present administration; nor to how little purpose the states individually are framing constitutions, providing laws, and filling offices with the abilities of their ablest men. These, if the great whole is mismanaged, must sink in the general wreck, which will carry with it the remorse of thinking that we are lost by our own folly and negligence, or by the desire perhaps of living in ease and tranquillity during the expected accomplishment of so great a revolution, in the effecting of which, the greatest abilities, and the most honest men, our American world affords, ought to be employed.

"It is much to be feared, my dear sir, that the states, in their separate capacities, have very inadequate ideas of the present danger. Many persons removed far distant from the scene of action, and seeing and hearing such publications only, as flatter their wishes, conceive that the contest is at an end, and that to regulate the government and police of their own state is all that remains to be done; but it is devoutly to be wished that a sad reverse of this may not fall upon them like a thunderclap, that is little expected. I do not

mean to designate particular states. I wish to cast no reflections upon any one. The public believe (and, if they do *believe* it, the fact might almost as well be so) that the states at this time are badly represented, and that the great and important concerns of the nation are horribly conducted, for want either of abilities or application in the members, or through the discord and party views of some individuals. That they should be so, is to be lamented more at this time than formerly, as we are far advanced in the dispute, and, in the opinion of many, drawing to a happy period; we have the eyes of Europe upon us, and I am persuaded many political spies to watch, who discover our situation, and give information of our weaknesses and wants."

The shocking calamity at Wyoming, related on a preceding page, excited not only profound sympathy for the sufferers but also a strong desire for the punishment of the savage invaders. Accordingly, Colonel Hartley, with his regiment and two companies of militia, set out at an early day for this latter purpose. He marched against the Indian towns, destroyed some of them, and took a few prisoners; but soon found it expedient to retreat. He was pursued and vigorously attacked; but repulsed the assailants with loss. The fourth Pennsylvania regiment, with some of Morgan's riflemen, commanded by Lieutenant-Colonel William Butler, a distinguished partisan, marched for the defence of the Western frontier. After a difficult and fatiguing march, in which he crossed high mountains and deep waters, he reached the Indian towns of Unadilla and Anaquaqua, near the sources of the Susquehannah, where a considerable quantity of corn was laid up for winter provisions. He destroyed both the towns and corn, drove the savages to a greater distance into the interior, and rendered their incursions less dangerous to the unprotected frontier.

On the morning of the 11th of November, a body of five hundred Indians under Brant, and two hundred Rangers under Walter Butler, made an irruption into the settlement at Cherry Valley. Colonel Alden, who was in command at the fort there, appears to have been very negligent of the duty of watching and providing against such an attack, and consequently the surprise was complete and the slaughter terrible. The most wanton acts of cruelty were committed; and the whole settlement was speedily desolated. Judge Campbell, who gives a more full and exact account than our limits admit, mentions among others, one instance of savage ferocity which we shall here quote. It relates to the melancholy end of Miss Jane Wells. "She was a young lady, not distinguished for her personal beauty, but endeared to her friends by her amiable disposition, and her Christian charities; one 'in whom the friendless found a friend,' and to whom the poor would always say, 'God speed thee.' She fled from the house to a pile of wood near by, behind which she endeavored to screen herself. Here she was pursued by an Indian, who, as he approached, deliberately wiped his bloody knife upon his leggings, and then placed it in its sheath; then drawing

his tomahawk, he seized her by the arm; she possessed some knowledge of the Indian language, and remonstrated, and supplicated, though in vain. Peter Smith, a tory, who had formerly been a domestic in Mr. Wells's family, now interposed, saying she was his sister, and desiring him to spare her life. He shook his tomahawk at him in defiance, and then, turning round, with one blow smote her to the earth. John Wells, Esq., at this time deceased, and the father of Robert Wells, had been one of the judges of the courts of Tryon County; in that capacity, and as one of the justices of the quorum, he had been on intimate terms with Sir William Johnson and family, who frequently visited at his house, and also with Colonel John Butler, likewise a judge. The family were not active either for or against the country; they wished to remain neutral, so far as they could, in such turbulent times; they always performed military duty, when called out to defend the country. Colonel John Butler, in a conversation relative to them, remarked: 'I would have gone miles on my hands and knees to have saved that family, and why my son did not do it God only knows.'"*

1778. While the borders of Pennsylvania and New York were afflicted by the horrors of savage warfare, the same calamity was preparing for Virginia, but was prevented by the courage and persevering activity of Colonel George Rogers Clarke. At the head of some of the western militia of Virginia, by incredible exertions, he penetrated to the British settlements on the Mississippi, and took the town of Kaskaskias, a dependency on Canada, which, along with that province, had been given up to the British, at the peace of 1763. At Kaskaskias Clarke, with a handful of men, was far removed from all support, and surrounded by numerous fierce and hostile tribes; but his courage and talents were equal to the arduous circumstances in which he was placed; and he showed in a striking manner what difficulties an active and enterprising man can surmount. His plans were formed with judgment, and executed with promptitude and intrepidity. At the most inclement season of the year, he suddenly attacked the Indians in their villages, turned their usual artifices against themselves, and materially lessened the ardor of their warriors.

On taking Kaskaskias, Clarke made Rocheblave, governor of the place, prisoner, and got possession of all his written instructions for the conduct of the war, from Quebec, Detroit, and Michilimackinac. From these papers he obtained important information respecting the plans of Colonel Hamilton, governor of Detroit, who was intending to make a vigorous and extensive attack upon the frontier of Virginia. Clarke soon received intelligence that Hamilton, trusting to his distance from danger, and to the difficulty of approaching him, had sent off all his Indians to alarm and harass the frontier, and lay securely at St. Vincent, with only about eighty soldiers, having three

* "*Border Warfare of New York*," pp. 138, 9.

field-pieces and some swivels. Clarke, although he could muster only one hundred and thirty men, determined to take advantage of Hamilton's weakness and security, and to attack him, as the only means of saving himself and of disconcerting the whole of Hamilton's plan. Accordingly, about the beginning of February, 1779, he dispatched a small galley which he had fitted out, mounting two four-pounders and four swivels, manned with a company of soldiers, and carrying stores for his men, with orders to force her way up the Wabash, to take her station a few miles below St. Vincent, and to allow no person to pass her. He himself marched with his little band, and spent sixteen days in traversing the country between Kaskaskias and St. Vincent, passing with incredible fatigue through woods and marshes. He was five days in crossing the drowned lands of the Wabash; and for five miles was frequently up to the breast in water. After overcoming difficulties which had been thought insurmountable, he appeared before the place, and completely surprised it. The inhabitants readily submitted, but Hamilton at first defended himself in the fort: next day, however, he surrendered himself and his garrison prisoners-of-war. By his activity in encouraging the hostilities of the Indians, and by the revolting enormities perpetrated by those savages, Hamilton had rendered himself so obnoxious, that the executive council of Virginia threw him and some of his immediate agents into prison, and put them in irons.

The services of Clarke proved of essential advantage to his countrymen. It disconcerted the plans of Hamilton, and not only saved the Western frontier of Virginia from savage inroads at that date, but also greatly cooled the ardor of the Indian tribes for carrying on a contest in which they were not likely to be the gainers.

Advantageous as was the French alliance to the cause of the United States in general, it was nevertheless not without considerable ill effect upon the community. Public and private enterprise lagged. General languor and indifference prevailed. Considering by this means the final success of their cause to be fully assured, and exhausted with a long-protracted struggle, the Americans began to grow weary, and shrink from the sacrifices required of them. The recruiting of the army proceeded but slowly, and the greatest difficulty was experienced in providing for its wants. The dire necessity that existed for fresh emissions of paper money had led to a train of deplorable consequences. All attempts to sustain its value had proved abortive; a single dollar in cash was worth eight, and sometimes twenty, of the colonial bills; and the mischief was still further increased by the immense quantity of forged notes introduced by the tories. Prices, as a matter of course, rose enormously, and a wide field was open to the operations of speculators and contractors, a body of whom had grown up and enriched themselves amidst the distresses of their country. None were greater sufferers than the army by this state of things; supplies were so high that, in Carolina, a single pair of shoes cost $700 in paper, and the pay of

privates and officers was insufficient for more than bare necessaries. "I would to God," said Washington, speaking of these speculating wretches, "that some one of the more atrocious in each state was hung in gibbets upon a gallows five times as high as the one prepared for Haman. No punishment, in my opinion, is too severe for the man who can build his greatness upon his country's ruin." Hardly any thing decisive had been performed during the year. While the British had been unable to gain any ground, the French and Americans had been equally unsuccessful in their attempts to expel the enemy.

Just before Christmas, the commander-in-chief proceeded to Philadelphia to hold personal intercourse with Congress, and consider the plans for the campaign of the coming year. Some five weeks were spent in this important and arduous service; and it was finally concluded, in consequence of the exhausted state of the finances and the general depression throughout the country, to act principally on the defensive, except in so far as it might be necessary to punish the savage inroads on the frontiers.

Meanwhile, the British having failed in their efforts at the north, it was determined to carry on offensive operations at the south. Georgia being one of the weakest states in the Union, and at the same time abounding in provisions, was marked out as the first object of attack. Colonel Campbell, as above stated, (p. 26,) had sailed from

1778. New York for the south, at the close of November; in about three weeks he effected a landing near the mouth of the Savannah River. From the landing place a narrow causeway of some six hundred yards in length, with a ditch on each side, led through a swamp. The passage of the British was disputed by a small party of Americans, but unsuccessfully. General Robert Howe, to whom the defence of Georgia was committed, with a force of about eight hundred Americans, placed himself between the morass and city, and prepared to make a resolute defence. But a negro having informed Campbell of a by-path, by which he could gain the rear of the Americans, he was enabled to attack them on both sides at once, and thus obtain a complete victory. More than a hundred of the Americans were killed, and between four and five hundred made prisoners. In this way, within the space of a few hours, the British possessed themselves of the fort, the ammunition and stores, the shipping in the river, a large quantity of provisions, and the capital of Georgia. The broken remains of the American force escaped up the Savannah, and crossed into South Carolina.

Savannah having fallen, the fort at Sunbury surrendered. General Prevost, from East Florida, took the command of the combined forces, from New York and St. Augustine. Previous to his arrival, a proclamation had been issued, to encourage the inhabitants to come in and yield submission, with promises of protection, on condition that they should arm in support of the royal cause. Colonel Campbell acted with great policy and sagacity in

securing the submission of the inhabitants. He accomplished more in a short time, and with comparatively a small force, towards the re-establishment of the British interest, than all the general officers who had preceded him. He not only subdued opposition, but, for a time, removed almost every trace of republican government, and paved the way for a revival of the royal legislature. In fact, this was the only state in the Union in which, since the Declaration of Independence, a legislative body was convened under the authority of the crown. The prudence and moderation of Colonel Campbell deserve honorable mention, as being in marked contrast with the conduct of most of the British officers serving in America.

Through the unremitting exertions of Baron Steuben, who had served under Frederic the Great, a more systematic and thorough discipline was introduced into the American army. Having been appointed inspector-general, in the place of Conway, he wrote a system of tactics, which was both published and put into practice. Many amusing anecdotes are told of the way in which Steuben labored, amid every sort of difficulty, to reduce the discordant evolutions of the troops from different states, into uniform method and efficiency in the field. A very important reform also took place in the medical department of the army, which consisted in appointing different officers to attend to the directing and purveying business of the military hospitals, which had previously been in the hands of the same persons. This beneficial change was mainly due to the efforts of Dr. Rush.

The naval operations of the United States at this date, were, from the nature of things, not carried on with the same important results as in the case of those of the army under Washington. The number of vessels was small, and usually of very inferior force; and the vast extent and force of the British navy seemed to render hopeless all attempts at coping with so powerful an adversary on the ocean. Yet, as Mr. Cooper shows, in his "Naval History," the navy was, in many respects, a very efficient agent in forwarding the cause of the country. Over three hundred English vessels had been taken by American cruisers in 1776; and during 1777, notwithstanding England kept seventy sail of men-of-war on the American coast alone, she lost four hundred and sixty-seven merchantmen, some of which were of great value. On the other hand, it must not be forgotten, that the Americans met with many disasters, and a large number of their privateers fell into the hands of the enemy.

The French alliance, in 1778, effected a change in the position of affairs on the ocean, and Congress devoted a good deal of attention to naval matters; several new vessels were built, and others were purchased; and the present year gave token of the spirit and ability of some of our earlier naval officers in contending with a navy usually held to be invincible. Early in the year, Captain Biddle, in the Randolph, a frigate of thirty-six guns, engaged his majesty's ship, the Yarmouth,

1778.

a sixty-four; but after an action of twenty minutes, the Randolph blew up and Captain Biddle and crew perished, with the exception of only four men, who were picked up a few days after on a piece of wreck. The celebrated Paul Jones made his appearance on the English coast during this year, and rendered his name a terror by the bold and daring exploits which he performed.* Captain Barry, off the coast of Maine, behaved in a most gallant manner, in an action with two English ships, sustaining the contest for seven hours, and at last escaping with his men on shore. Captain Talbot, respecting one of whose enterprises we have previously spoken, (see vol. i. p. 429,) in October, of this year, distinguished himself by another well planned and successful attack upon a British vessel, off Rhode Island. The schooner Pigot, moored at the mouth of Seconset River, effectually barred the passage, broke up the local trade, and cut off the supplies of provisions and reinforcements for that part of the colony. Talbot, earnestly desirous of relieving the country of this annoyance, obtained the consent of General Sullivan to make the attempt. With his usual alacrity, he set about the affair, and was entirely successful. The Pigot was captured and carried off in triumph by the gallant band under Talbot. In the succeeding November, Captain Talbot received a complimentary letter from the president of Congress, together with a resolve of Congress, presenting him with the commission of Lieutenant-Colonel in the Army of the United States.*

We may properly conclude the present chapter with the record of the adoption of the Articles of Confederation, which, as we have before stated, (vol. i. p. 516,) were submitted to the legislatures of the several states in November, 1777.† The smaller states, as Rhode Island, Delaware, New Jersey and Maryland, hesitated for some time about adopting the Articles, principally on account of the unsettled character of the question to whom the vast Western territory of the United States belonged; finally, however, with a noble spirit of patriotic trust in the integrity and honor of the larger states, to whom New York set an admirable example, these states also ratified the Articles of Confederation, and the government, under this arrangement, was complete in March, 1781.

1778.

* See Cooper's "*Naval History*," vol. i., pp. 87–90.

* See Mr. Tuckerman's "*Life of Commodore Talbot*," pp. 52–64.

† See Curtis's "*History of the Constitution*," pp. 142–151, for a full and able discussion of the nature and powers of the Confederation, and the lofty spirit of patriotism which led to the final adoption of its Articles. Consult also Pitkin's "*Political and Civil History of the United States*," vol. ii. pp. 16–36.

CHAPTER VI.

1779.

EVENTS OF THE WAR DURING 1779.

General Lincoln at the South — The British force — Addition of tories from South Carolina — A horde of banditti — Pickens defeats them — Lincoln's movements — Prevost makes an irruption into South Carolina — Threatens Charleston — Lincoln pursues him — Prevost retreats — Battle at Stono Ferry — British irruption into South Carolina — Very discreditable — General Matthews in Virginia — Relaxation of national vigor — Washington's struggles against it — The New Jersey brigade refuse to march — Serious trial to Washington — How settled at last — Stony Point taken by the British — Irruption into Connecticut under Tryon — Brilliant exploit of Wayne — Stony Point taken by assault — Attack on Fort Lafayette fails — Stony Point abandoned — Expedition against the British at Penobscot — Unsuccessful — Lee's gallant attack on Paulus Hook — Glimpse at Washington's life at West Point — Course pursued by Congress towards the Indians — Their ravages — Necessity of severely punishing them — Sullivan in command — Orders of Washington — Success of the expedition — The French in the West Indies — D'Estaing and Lincoln attack Savannah — Failure of the combined assault — White's successful stratagem — Spain joins the alliance — Paul Jones — His famous naval battle — American army go into winter-quarters — Washington unable to undertake active operations — Some remarks as to the trials and difficulties of this period — Lukewarmness, apathy, lust for riches, decay of public virtue, speculations in paper money, party spirit, etc. Appendix to Chapter VI. — The Continental Paper Currency.

General Lincoln, who had been appointed to the command in the southern department, in place of Howe, arrived, towards the close of 1778, at Charleston, and entered with vigor and alacrity upon the duties of his post. He found the troops not only badly disciplined but miserably furnished. North Carolina had complied with the recommendation of Congress, and had dispatched two thousand men under Generals Ashe and Rutherford to join Lincoln, who, receiving intelligence of Howe's defeat in Georgia, established his head-quarters at Purysburg, on the Savannah, on the 3d of January. The force under his command amounted to between three thousand and four thousand men, many of them new levies and militia, who were strangers to the discipline and subordination of a camp. The army of General Prevost was somewhat more numerous, and greatly superior in the quality of the troops. But with all his advantages it was not easy for General Prevost to advance into South Carolina; for the Savannah River flowed between the two armies. Its channel, indeed, is not wide; but for one hundred miles from its mouth it flows through a marshy country, which it often inundates to the breadth of from two to four miles. At no one place is there solid ground on both sides to the brink of the river. A few narrow causeways running through the marsh are the only places where it can be passed, and on many occasions these cannot be crossed by an army. This circumstance made it difficult for General Prevost to enter South Carolina, and inexpedient for General Lincoln to make any attempt on the British posts, although they extended from Savannah to Augusta.

1779.

The coast of Georgia and South Carolina is broken and irregular, abounding in islands, and intersected by arms of the sea. General Prevost detached Major Gardener, with two hundred men, to take possession of the Island of Port Royal; but that officer was soon attacked by General Moultrie, who, early in February, compelled him to retreat with loss. Deterred by that check, General Prevost, for some time, made no further attempts on South Carolina.

Confining their operations for the present to Georgia, the British endeavored to add to their available force by additions from the tories of Carolina. Some seven hundred of these were embodied under Colonel Boyd, and marched along the western frontier of South Carolina to join the British at Augusta in Georgia. Their march was signalized by scandalous plundering and outrage, and they resembled more a horde of banditti than a body of troops enrolled under royal authority. Colonel Pickens, upon intelligence of their progress and rapine —we quote the account furnished by Gordon—collected the whig militia of the district of Ninety Six. He left a guard at the Cherokee fort to impede their crossing the Savannah, while he went upon some other service; during his absence they made good their passage. He immediately followed them with three hundred men; February 14th, came up with and engaged them about three-quarters of an hour, when they gave way and were totally routed. They had forty killed, including their leader, Colonel Boyd, who had been secretly employed by the British to collect and head them. Pickens had nine killed and several wounded. By this action the tories were dispersed all over the country. Some ran to North Carolina. Many returned home, and cast themselves upon the mercy of their state government. Being the subjects of South Carolina, they were tried in regular manner, and seventy were condemned to die; but sentence was executed only on five principals, and the rest were pardoned.

The British having extended their posts up the river, General Lincoln fixed encampments at Black Swamp, and nearly opposite to Augusta on the north side. With a view of strengthening the last, and improving any advantages which might offer for crossing the river, and limiting the British to the sea-coast of Georgia, General Ashe was ordered to the upper parts of the country. He began his march, on the 10th of February, with one thousand five hundred North Carolina militia, and the remains of the Georgia continentals; and on the 13th, in the evening, reached General Williamson's camp opposite Augusta. That same night Colonel Campbell made so hasty a retreat from Augusta, that, by eight the next morning, he had marched fourteen miles lower down. This precipitate movement was owing to some false intelligence respecting either Ashe's force, or the arrival of a large body of continentals at Charleston; which Campbell credited, and from whence he inferred the necessity of an immediate retreat to prevent his being cut off. Lincoln, finding that he had

quitted Augusta, wrote to Ashe, February 16th, that it was of the greatest importance, that if the enemy was out of the upper part of the country, he should follow them down as fast as possible, lest by a forced march they should join their own troops below, attempt his post, and drive him from it, before he (Ashe) could come up with their rear. Lincoln, on the 22d, sent him the following intimation—"I think that Briar Creek will be a good stand for you, until some plan of co-operation be digested, for which purpose, as soon as you arrive there, I will meet you at the Two Sisters, you appointing the time." Ashe crossed the Savannah with about one thousand two hundred troops, beside two hundred light horse. On Saturday morning, the 27th, the army arrived at the lower bridge on Briar Creek. The next day Generals Brian and Elbert took possession of a proper spot of ground at twelve o'clock and encamped, Ashe having gone to meet Lincoln. On March the 2d, the officer of the day reported, that reconnoitring parties of the enemy's horse and foot had been seen within their piquets the night preceding. Ashe returned the same evening to the camp. On Wednesday, the 3d, nothing was in forwardness for repairing the bridge which Campbell had destroyed in his return downward, though it had been reported five days before, that the repair would take but six hours. About two in the afternoon, information was given, that one of their soldiers had six balls shot through his body; little or no notice was taken of it. Within an hour after, an account was brought that five hundred British regulars were at the ferry. At half-past four, a few of the American horse returned from skirmishing with the enemy, when orders were issued for the troops to be formed into platoons from the right, and composed into a column: it was not long before the British light infantry appeared. Lieutenant-Colonel Prevost, after a circuitous march of about fifty miles, in which he crossed Briar Creek, fifteen miles above Ashe's encampment, came unexpectedly on his rear with a detachment of about nine hundred men, including some horse. Upon the appearance of the British light infantry, Ashe said to Elbert, who commanded the continentals—"Sir, you had better advance and engage them." They did not exceed one hundred rank and file, but upon Elbert's ordering them, they formed, advanced thirty yards in front of the enemy, and commenced a very sharp fire upon them, which continued about fifteen minutes. Ashe and the North Carolina militia remained about a hundred yards in the rear entirely inactive. Instead of advancing to support the continentals, they were struck with such a panic at being so completely surprised, that they went to the right about, and fled in confusion without discharging a single musket. The few Georgia regulars, finding themselves thus deserted, and being surrounded by a great part of the enemy, broke and endeavored also to escape. Elbert did every thing to rally them, but in vain. He and the survivors of his brave corps were made prisoners. About one hundred and fifty Americans were killed, and one

hundred and sixty-two were captured. None had any chance of escaping but by crossing the river, in attempting which many were drowned; of those who got over safe, a great part returned home and never more rejoined the American camp; the number that joined it, did not exceed four hundred and fifty men. This event deprived General Lincoln of one-fourth of his number, secured to the British the possession of Georgia, and opened a communication between them, the Indians, and the tories of South and North Carolina.

The people of South Carolina, so far from being inclined to submit to the British authority, only nerved themselves to greater exertion in defence of their liberty. John Rutledge was elected governor; a reinforcement of a thousand men was furnished, and on the 23d of April, General Lincoln marched up the Savannah with the main body of his army. This movement was designed in part to afford protection to the Georgia legislature, which was to assemble at Augusta, on the 1st of May.

At that time the river was in full flood, and overflowed the marshes on its margin. The rivulets were swollen, and the swamps inundated; and therefore it was believed that a small military force would be able to defend the country against an invading enemy. Accordingly, for the protection of the lower districts, General Lincoln left only two hundred continentals, and eight hundred militia, under Colonel M'Intosh, the whole commanded by General Moultrie, who had distinguished himself by his brave defence of Sullivan's Island, in the year 1776. It was expected that if an invasion of the lower parts of South Carolina should be attempted in Lincoln's absence, the militia would promptly take the field in defence of the country.

Instead of marching up the river, and encountering General Lincoln in the interior, General Prevost considered an irruption into South Carolina the best means of recalling that officer from the enterprise in which he was engaged. Accordingly, on the 29th of April, when Lincoln was far advanced on his way to Augusta, General Prevost, with two thousand five hundred troops and a considerable number of Indian allies, suddenly passed the river near Purysburg. Colonel M'Intosh, who was stationed there with a small detachment, retreated to General Moultrie at Black Swamp. General Prevost advanced rapidly into the country; and Moultrie was obliged to retire hastily before him, destroying the bridges in his rear. The militia who were in the field showed no courage, and could not be prevailed on to defend the passes with any degree of bravery. The militia of the state did not appear in arms as had been expected; and Moultrie experienced an alarming diminution of his strength, by the desertion of many of those under his command. 1779.

Immediately after the passage of the river by the British, an express was sent to Lincoln, then nearly opposite Augusta, informing him of the event. He considered Prevost's movement as a feint to recall him from the upper parts of the river, and deter-

mined to prosecute his plan, and compel the British general to return for the defence of the capital of Georgia. Meanwhile, he dispatched three hundred light troops to Moultrie's assistance, and crossing the river at Augusta, he marched down on the south side towards Savannah.

General Lincoln, finding that Prevost was pushing forward to attack Charleston, recrossed the Savannah and pursued him. The British advanced with but little opposition. Moultrie was not strong enough to oppose them; and the desolation and plundering on the part of the invaders spread a general panic in every direction. In Charleston, meanwhile, every preparation was made for its defence. The houses in the suburbs were burnt. Lines and abattis were, in a few days, carried across the peninsula between Ashley and Cooper Rivers, and cannon were mounted at proper intervals on its whole extent. Though it had not been contemplated that the city would be attacked on the land side, yet by unremitting assiduity, in which the slave and his master labored together, great preparations were made, and a force of three thousand three hundred men assembled in Charleston to repel the threatened attack.

On the 11th of May, a detachment of Prevost's force crossed the ferry over the Ashley River and appeared before Charleston. Governor Rutledge, desirous of gaining time, and knowing that Lincoln was pushing forward towards the city, occupied the day in negotiation. Commissioners from the garrison were instructed to "propose a neutrality during the war between Great Britain and America, and that the question whether the state shall belong to Great Britain, or remain one of the United States, be determined by the treaty of peace between these powers." Prevost declined acceding to this proposal, and insisted that, being in arms, they must surrender as prisoners of war. This, of course, was refused, and an assault was expected; but, during the night, Prevost deemed it expedient to retreat, especially as General Lincoln was fast approaching on his rear, and he had no hope of carrying the city by assault.

General Prevost did not set out on his return to Savannah by the direct road, as he had advanced; for in Charleston there was a numerous garrison in his rear, and Lincoln was near at hand with his army. Therefore, after passing Ashley Ferry, he turned to the left and proceeded to the coast, which, abounding with islands, and being intersected by arms of the sea all the way to the mouth of the Savannah, afforded him, in consequence of the naval superiority of Britain, the easiest and safest method of returning with all his baggage to Georgia. He first passed into the Island of St. James, and then into that of St. John, where he took post till the arrival of a supply of provisions, which he had for some time expected from New York. By hasty marches General Lincoln had arrived at Dorchester, not far from Charleston, before General Prevost left Ashley Ferry; and when the British troops proceeded to the coast, Lincoln followed and encamped near them, both armies being about thirty miles from

Charleston. Both armies remained in their respective positions until the 20th of June, when an attack was made by about twelve hundred Americans on some seven hundred British advantageously posted at Stono Ferry. The battle was severely contested for over an hour, and had the force under Moultrie been able to execute its part, by passing over to James Island in time, victory no doubt would have declared for the Americans. Lincoln, however, thought it most prudent to retire, and drew off his troops in good order. The British had three officers and twenty-three privates killed, and ten officers and ninety-three privates wounded. The Americans lost five officers, who died of their wounds, and thirty-five privates who were killed on the field of battle, besides nineteen officers and one hundred and twenty privates wounded.

1779.

Three days after the battle, the British troops evacuated the post at Stono Ferry, and also the Island of St. John, passing along the coast from island to island till they reached Beaufort in the Island of Port Royal, where General Prevost left a garrison under the command of Lieutenant-Colonel Maitland.

The heat, which in the southern provinces as effectually puts a stop to military operations during summer as the cold of the north in winter, was now become too intense for active service. The care of the officers, in both armies, was employed in preserving their men from the fevers of the season, and keeping them in a condition for service next campaign, which was expected to open in October. The American militia dispersed, leaving General Lincoln with about eight hundred men, whom he marched to Sheldon, a healthy situation in the vicinity of Beaufort.

The alarm for the safety of the southern states was so great, that General Washington, weak as his army was, weakened it still farther by sending a detachment, consisting of Bland's regiment of cavalry, and the remnant of that lately under Baylor, but now commanded by Lieutenant-Colonel Washington, with some new levies, to reinforce General Lincoln.

The irruption of General Prevost into South Carolina did no credit to the British army, nor did it in any degree serve the royal cause, although it occasioned great loss to the inhabitants of the province. The British army marked its course every where by plunder and devastation. It spread over the country to a considerable extent: small parties entered every house; seized the plate, money, jewels, and personal ornaments of the people; and often destroyed what they could not carry away. The slaves, who are numerous in South Carolina, allured by the hope of freedom, repaired to the royal army; and, in order to ingratiate themselves with their new friends, disclosed where their masters had concealed their most valuable effects. Many of those slaves were afterwards shipped off and sold in the West Indies. Some hundreds of them died of the camp fever; and numbers of them, overtaken by disease, and afraid to return to their masters, perished miserably in the woods. It has been calculated that

South Carolina lost four thousand slaves. The rapine and devastation were great; and many of the inhabitants, in order to save themselves from those ravages, made professions of attachment to the royal cause; while the means which induced them to make a show of loyalty alienated their affections from those who were engaged in the support and defence of their common country.

The years 1779 and 1780 were not marked by any great exploits on the part of the British or Americans. The latter did not feel strong enough to do more than act on the defensive; the former, following out a policy of which we have spoken above, devoted their energies to expeditions and enterprises in which the ruin and distress of the people were the principal object had in view.

Sir George Collyer, who had succeeded Admiral Gambier in the command of the British naval forces in America, concerted a plan with Sir Henry Clinton, for interrupting the commerce of the Chesapeake and destroying the magazines on its shores. For these purposes, Clinton detached one thousand eight hundred men under General Matthews; and the transports in which they sailed were convoyed by the admiral himself. The fleet sailed from Sandy Hook on the 5th of May, and entered the capes of Virginia on the 8th. The lower part of Virginia is so intersected by deep creeks and rivers, as to afford those who have the command of the waters an easy passage from one place to another, and to give them a decided advantage over those who are destitute of such facilities of communication.

1779.

The fleet anchored in Hampton Road, a large basin of water formed by the confluence of the Rivers James, Nansemond, and Elizabeth. On the morning of the 10th, it entered Elizabeth River, and the American force in that quarter, wholly unable to resist so formidable an attack, saved itself by flight. The British troops landed without opposition. General Matthews established his head-quarters at Portsmouth, whence he sent small parties to Norfolk, Gosport, Kemp's Landing, and Suffolk; where they took and carried off or destroyed a large quantity of naval and military stores, and over a hundred ships, some of them richly laden.* The loss to the public and to individuals was very great, without proving of any advantage to the royal cause. Having accomplished the object of the expedition, General Matthews returned to New York before the end of the month.

Yielding to the delusive opinion that the French alliance placed the independence of the United States beyond the reach of failure, and that Great Britain, despairing of success, would speedily abandon the contest, there was a general disposition to relax vigorous preparations for carrying on the war. To these ill-grounded expectations Washington opposed the whole

* Shocked and indignant at this Vandal-like conduct, by which a fertile country, was converted, in a few days, into one vast scene of smoking ruins, the Virginians exclaimed, "What sort of war is this?" The answer of the English invaders was, "We are commanded to visit the same treatment upon all those who refuse to obey the king!"

weight of his influence. In his correspondence with Congress, the governors of particular states, and other influential individuals, he pointed out the fallacy of the prevailing opinion that peace was near at hand; and the necessity for raising, equipping, and supporting, a force sufficient for active operations. He particularly urged, that the annual arrangements for the army should be made so early that the recruits for the year should assemble at head-quarters on the 1st of January; but such was the torpor of the public mind that, notwithstanding these representations, it was as late as the 23d of January, 1779, when Congress passed resolutions authorizing the commander-in-chief to re-enlist the army; and as late as the 9th of the following March, that the requisitions were made on the several states for their quotas. The military establishment for 1780 was later, for it was not agreed upon till the 9th of February; nor were the men required before the 1st of April. Thus, when armies ought to have been in the field, nothing more was done than to grant the requisite authority for raising them, a most inopportune and vexatious delay.

The depreciation of the current paper money had advanced so rapidly as to render the daily pay of an officer unequal to his support.* This produced serious discontents in the army. An order was given in May, 1779, for the Jersey Brigade to march by regiments to join the western army. In answer to this order a letter was received from General Maxwell, stating that the officers of the first regiment had delivered to their colonel a remonstrance, addressed to the Legislature of New Jersey, in which they declared, that unless their former complaints as to the deficiency of pay met with immediate attention, they were to be considered at the end of three days as having resigned their commission; and on that contingency they requested the legislature to appoint other officers in their stead. Washington, who was strongly attached to the army, and knew their virtue, their sufferings, and also the justice of their complaints, immediately comprehended the ruinous consequences likely to result from the measure they had adopted.

After serious deliberation, he wrote a letter to General Maxwell, to be laid before the officers. In the double capacity of their friend and their commander, he made a forcible address to their pride and their patriotism.

"There is nothing," he observed, "which has happened in the course of the war, that has given me so much pain as the remonstrance you mention from the officers of the first Jersey regiment. I cannot but consider it a hasty and imprudent step, which, on more cool consideration, they will themselves condemn. I am very sensible of the inconveniences under which the officers of the army labor, and I hope they do me the justice to believe, that my endeavors to procure them relief are incessant. There is more difficulty, however, in satisfying their

* For a *résumé* of this interesting subject, the continental paper money issues, see Appendix I. at the end of the present chapter.

wishes, than perhaps they are aware of. Our resources have been hitherto very limited. The situation of our money is no small embarrassment, for which, though there are remedies, they cannot be the work of a moment. Government is not insensible of the merits and sacrifices of the officers, nor unwilling to make a compensation; but it is a truth of which a very little observation must convince us, that it is very much straitened in the means. Great allowances ought to be made on this account, for any delay and seeming backwardness which may appear.

"Some of the states, indeed, have done as generously as was in their power; and if others have been less expeditious, it ought to be ascribed to some peculiar cause, which a little time, aided by example, will remove. The patience and perseverance of the army have been, under every disadvantage, such as do them the highest honor at home and abroad, and have inspired me with an unlimited confidence in their virtue, which has consoled me amidst every perplexity and reverse of fortune, to which our affairs in a struggle of this nature, were necessarily exposed.

"Now that we have made so great a progress to the attainment of the end we have in view, so that we cannot fail, without a most shameful desertion of our own interests, any thing like a change of conduct would imply a very unhappy change of principles, and a forgetfulness as well of what we owe to ourselves as to our country. Did I suppose it possible this should be the case, even in a single regiment of the army, I should be mortified and chagrined beyond expression. I should feel it as a wound given to my own honor, which I consider as embarked with that of the army. But this I believe to be impossible. Any corps that was about to set an example of the kind would weigh well the consequences; and no officer of common discernment and sensibility would hazard them. If they should stand alone in it, independent of other consequences, what would be their feelings on reflecting that they had held themselves out to the world in a point of light inferior to the rest of the army? Or, if their example should be followed, and become general, how could they console themselves for having been the foremost in bringing ruin and disgrace upon their country? They would remember that the army would share a double portion of the general infamy and distress; and that the character of an American officer would become as despicable as it is now glorious.

"I confess the appearances in the present instance are disagreeable; but I am convinced they seem to mean more than they really do. The Jersey officers have not been outdone by any others, in the qualities either of citizens or soldiers; and I am confident no part of them would seriously intend any thing that would be a stain on their former reputation. The gentlemen cannot be in earnest; they have only reasoned wrong about the means of attaining a good end, and, on consideration, I hope and flatter myself they will renounce what must appear improper.

"At the opening of a campaign, when under marching orders for an important service, their own honor, duty to the public, and to themselves, and a regard to military propriety, will not suffer them to persist in a measure which would be a violation of them all. It will even wound their delicacy coolly to reflect, that they have hazarded a step which has an air of dictating terms to their country, by taking advantage of the necessity of the moment.

"The declaration they have made to the state, at so critical a time, that 'unless they obtain relief in the short period of three days, they must be considered out of the service,' has very much that aspect; and the seeming relaxation of continuing until the state can have a reasonable time to provide other officers, will be thought only a superficial veil.

"I am now to request that you will convey my sentiments to the gentlemen concerned, and endeavor to make them sensible of their error. The service for which the regiment was intended, will not admit of delay. It must at all events march on Monday morning, in the first place to this camp, and further directions will be given when it arrives. I am sure I shall not be mistaken in expecting a prompt and cheerful obedience."

The officers did not explicitly recede from their claims, but were brought round so far as to continue in service. In an address to the commander-in-chief, they declared "their unhappiness that any step of theirs should give him pain;" but alleged, in justification of themselves, that repeated memorials had been presented to their legislature, which had been neglected; and added—

"We have lost all confidence in that body. Reason and experience forbid that we should have any. Few of us have private fortunes; many have families who already are suffering every thing that can be received from an ungrateful country. Are we then to suffer all the inconveniences, fatigues, and dangers, of a military life, while our wives and our children are perishing for want of common necessaries at home; and that without the most distant prospect of reward, for our pay is now only nominal? We are sensible that your Excellency cannot wish or desire this from us.

"We are sorry that you should imagine we meant to disobey orders. It was, and still is, our determination to march with our regiment, and to do the duty of officers until the legislature should have a reasonable time to appoint others; but no longer.

"We beg leave to assure your Excellency, that we have the highest sense of your ability and virtues; that executing your orders has ever given us pleasure; that we love the service, and we love our country; but when that country is so lost to virtue and to justice as to forget to support its servants, it then becomes their duty to retire from its service."

The ground adopted by the officers for their justification, was such as necessarily prevented a resort to severe measures; at the same time a compliance with their demands was impossible. In this embarrassing situation,

Washington deemed it prudent to take no other notice of their letter than to declare to the officers, through General Maxwell, "that while they continued to do their duty, he should only regret the part they had taken." The legislature of New Jersey, roused by these events, made some partial provision for their troops. The officers withdrew their remonstrance, and continued to do their duty.

1779.

The ill consequences likely to result from the measures adopted by the Jersey officers being obviated by the good sense and prudence of Washington, he improved the opportunity to urge upon Congress the absolute necessity of some general and adequate provision for the officers of the army; and observed, "that the distresses in some corps are so great, that officers have solicited even to be supplied with the clothing destined for the common soldiery, coarse and unsuitable as it was. I had not power to comply with the request. The patience of men animated by a sense of duty and honor, will support them to a certain point, beyond which it will not go. I doubt not Congress will be sensible of the danger of an extreme in this respect, and will pardon my anxiety to obviate it."

The members of Congress were of different opinions respecting their military arrangements. While some agreed with the commander-in-chief for a permanent national army, well equipped and amply supported, others were apprehensive of danger to their future liberties from such establishments, and gave a preference to enlistments for short periods, not exceeding a year. These also were partial to state systems, and occasional calls of the militia, instead of a numerous regular force, at the disposal of Congress or the commander-in-chief. From the various aspect of public affairs, and the frequent change of members composing the national legislature, sometimes one party predominated, and sometimes another. On the whole, however, we are sorry to say, that the support received by Washington was far short of what economy, as well as sound policy, required.

The American army at this date was not only deficient in clothing, but in food. The seasons both in 1779 and 1780, were unfavorable to the crops. The labors of the farmers had often been interrupted by calls for militia duty. The current paper money was so depreciated as to be deemed no equivalent for the productions of the soil. So great were the necessities of the American army, that Washington was obliged to call on the magistrates of the adjacent counties for specified quantities of provisions, to be supplied in a given number of days. At other times he was compelled to send out detachments of his troops to take provisions at the point of the bayonet from the citizens. This expedient at length failed, for the country in the vicinity of the army afforded no further supplies. These impressments were not only injurious to the morals and discipline of the army, but tended to alienate the affections of the people. Much of the support which the commander-in-chief had previously experienced from the inhabitants, pro-

ceeded from the difference of treatment they received from their countrymen in arms, compared with what they suffered from the British. Washington, whom the inhabitants hitherto regarded as their protector, had now the hard alternative before him either to disband his troops, or to support them by force. The army looked to him for provisions; the inhabitants for protection of their property. To supply the one and not offend the other, seemed little less than an impossibility. To preserve order and subordination in an army like that under Washington, even when well fed, paid, and clothed, would have been a work of difficulty; but to retain them in the service and sustain proper discipline, when destitute not only of the comforts, but often of the necessaries of life, required address and abilities of such magnitude as are rarely found in any one man. In the midst of difficulties of this grave character, Washington not only kept his army together, but guided himself with so much discretion as to command the approbation both of the army and of the citizens.

Nothing of decisive importance could be attempted with an army so badly provided, and so deficient in numbers. It did not exceed thirteen thousand men, while the British, strongly fortified in New York and Rhode Island, amounted to sixteen or seventeen thousand. These were supported by a powerful fleet, which, by commanding the coasts and the rivers, furnished easy means for concentrating their force in any given point before the Americans could march to meet them. This disparity was particularly striking in the movement of the two armies in the vicinity of the Hudson. Divisions of both were frequently posted on each side of that noble river. While the British could cross directly over and unite their forces in any enterprise, the Americans could not safely effect a correspondent junction, unless they took a considerable circuit to avoid the British shipping.

To preserve West Point and its dependencies, was a primary object with Washington. To secure these he was obliged to refuse the pressing applications from the neighboring states for large detachments from the continental army for their local defence; since he well knew that if he allowed his force to be subdivided into small portions he was in imminent danger of having it cut up and destroyed in detail.

On the 1st of June, Clinton made a movement up the Hudson to attack the American works at Stony Point, on the west side of the river, and Verplanck's Point opposite to it. The position at Stony Point was a strong one; but the works were in an unfinished state, and the Americans were compelled to abandon the place. In consequence of this, Fort Lafayette, on Verplanck's Point, became untenable; and Clinton, having made his arrangement so as completely to invest the fort, the garrison were forced to surrender as prisoners of war. Immediate orders were given for completing the fortifications of both posts, and putting them in a strong state of defence. 1779.

Clinton, finding that Washington

was on the alert, and that it was useless to undertake any thing against West Point, returned to New York, and prepared to obey the instructions which he had received to carry destruction into the maritime towns of Connecticut, as had shortly before been done in Virginia. Sir George Collyer, with the necessary ships of war and transports, and Governor Tryon, at the head of two thousand six hundred land forces, seconded by General Garth, were appointed to this predatory expedition. While in the Sound, the commanders joined in an address to the inhabitants of Connecticut, which they signed on the 4th of July. In that they invited and urged them to return to their duty and allegiance; and promised all, remaining peaceably in their usual place of residence, protection in person and property, excepting the civil and military officers of the government; but threatened those who slighted the warning. The address was merely farcical, for instead of leaving them to consult each other upon the invitation, as they stated it, they employed force before the people had time to consult each other after the invitation was received.

The troops were landed early on Monday, July 5th, those under Tryon at East Haven, and those under Garth at West Haven. The last marched for New Haven, which they entered between twelve and one, after being much harassed and galled on their way by the militia, and others who joined them. The town was delivered up to promiscuous plunder, a few instances of protection excepted. Whigs and tories, indiscriminately, though not universally, had their money, plate, rings and other articles taken from them; and much of their furniture, which could not be carried off, was wantonly destroyed;—all the West India goods and provisions were served the same. In such scenes of confusion, individuals could not escape personal abuse. The militia were collecting in such a manner, and the soldiers had got so disordered by liquor, that the next morning the troops made a sudden retreat, without tarrying to execute the original design of burning the town, or even to fire a single house in it. When they had provided for their own safety, they ventured to burn some stores on the long wharf. At East Haven, where Tryon commanded in person, several houses were burnt, the cattle were also wantonly killed in the adjoining fields. By the afternoon, the militia became so numerous, and crowded so close upon him, that he retreated on board the fleet, which in the evening sailed for Fairfield. There the troops, landed about three o'clock on Wednesday afternoon. As they anchored off the town in the morning, the militia had some little time for collecting. Governor Tryon sent by a flag to Colonel Whiting, who commanded them, the address; and gave him an hour's time to consider and to answer, so as to save the town. The colonel replied in behalf of the inhabitants, "The flames have now preceded their answer to your flag, and they will persist to oppose to the utmost, that power which is exerted against injured innocence;"

dated 7th July, sunset. That night and the next morning, they plundered and laid the town in ashes, burning the meeting-house, Episcopal church, and the buildings in general, to the compass of two miles round, so as to reach Green-farms, though not Greenfield. On Thursday they retreated to their shipping, the militia becoming more numerous than at New Haven. They crossed the Sound to the shore of Long Island; and from thence sailed afterward to Norwalk, whose fate was similar to that of Fairfield. The numbers killed and wounded on each side, during these ravages, were inconsiderable. But the conflagration list stands thus:—burnt at Norwalk, two houses of public worship, eighty dwelling houses, eighty-seven barns, twenty-two stores, seventeen shops, four mills and five vessels:—at Fairfield, two houses of public worship, eighty-two dwelling houses, fifty-five barns, fifteen stores and fifteen shops:—at Green-farms, one house of worship, fifteen dwelling houses, eleven barns, and several stores —beside the stores burnt at New Haven and the houses at East Haven.*

While the British were engaged in this disgraceful predatory warfare, Washington, after personally reconnoitring Stony Point, determined to make a bold attempt to carry it by assault. The conduct of the expedition was entrusted to that gallant officer who has attained the remarkable *sobriquet*, "Mad Anthony" Wayne. At the head of his detachment of light infantry, consisting of one thousand two hundred men, he marched about fourteen miles, reached the vicinity of the fort at eleven o'clock in the evening of July the 16th, and instantly prepared for the assault. He peremptorily ordered that every man should advance in silence with unloaded muskets and fixed bayonets. A soldier disobeyed his order, and began to load his piece; the order was repeated, and he persisted in the resolution to load, on which an officer instantly ran him through the body with his sword. Absolute obedience was indispensable at so critical a moment; for had a single gun been fired, the victory might have been lost, or the slaughter been immense. The plan being adjusted, one hundred and fifty volunteers under Lieutenant-Colonel Fleury, a French officer, formed the van of the right column, and one hundred volunteers, under Major Stuart, composed the van of the left column, each of which was preceded by a forlorn hope of twenty picked men, commanded by Lieutenants Gibbon and Knox, for the express purpose of removing the abattis and other obstructions. At about twenty minutes after twelve, the columns advanced to the assault, and such was the impetuosity of the troops, that, in the face of a most tremendous and incessant fire of musketry and cannon loaded with grape-shot, they forced their way at the point of the bayonet, surmounted every obstacle, and both columns met in the centre of the enemy's works nearly at the same instant. Colonel Fleury first entered the fort, and struck the British stand-

* Gordon's "*History of the American Revolution*," vol. ii. pp. 436–38.

ard with his own hand. Major Posey was the first to give the watchword, "The fort's our own!"

General Wayne, in his letter to the commander-in-chief, extolled highly the brave conduct of his officers and men, and particularized Lieutenant-Colonel Fleury, Major Stuart, Colonel Butler, and others, for their exemplary valor and intrepidity. Lieutenant-Colonel Hay was wounded in the thigh, while fighting with firmness in the heat of the action. General Wayne himself received a slight wound in his head, but, supported by his aids, he entered the fort with the troops. As the truly brave are ever ambitious of distinguishing themselves by a strict observance of the laws of humanity and generosity towards the conquered foe, so it was highly creditable to the American troops, that they conducted themselves towards the prisoners with a humane forbearance, which was directly the reverse of the conduct of the British on too many similar occasions; they disdained to take the lives of those who were in their power, and calling for mercy; not an individual suffered after his surrender; and this will account for the few of the enemy killed on this occasion; being about one hundred killed and wounded. The continentals had fifteen killed and eighty-three wounded. The number of prisoners was five hundred and forty-three. Colonel Johnson, commander of the fort, and several other officers, were among the number. It is remarkable, that out of the twenty men who formed the *forlorn hope*, under Lieutenant Gibbon, seventeen were killed or wounded.

Washington, in his letter to Congress, spoke highly of the conduct of all the officers and men; but he named particular officers, whose situation placed them foremost in danger, which rendered their conduct more conspicuous. Lieutenants Gibbon and Knox, he observed, who commanded the advanced parties, or forlorn hope, acquitted themselves as well as it was possible. With respect to General Wayne, he remarked, "that his conduct throughout the whole of this arduous enterprise, merits the warmest approbation of Congress; he improved on the plan recommended by me, and executed it in a manner that does signal honor to his judgment and to his bravery. In a critical moment of the assault, he received a flesh-wound in the head, with a musket ball, but continued leading on his men with unshaken firmness." His Excellency informed Congress that two flags and two standards were taken, the former belonging to the garrison, the latter to the seventeenth regiment. Congress gave directions that a gold medal, emblematical of the action, be presented to General Wayne, and a silver one to Colonel Fleury and Major Stuart. Lieutenants Gibson and Knox were also made captains by brevet, and the value of the military stores was directed to be divided among the soldiers, in such manner as the commander-in-chief saw fit.*

An attack on Fort Lafayette also was part of the plan; and two brigades, under General M'Dougall, were ordered to proceed towards it, and to

* Thacher's "*Military Journal*," pp. 176–178.

be in readiness to attack it as soon as they should be informed of General Wayne's success against Stony Point. But M'Dougall did not advance in time; and the garrison of Fort Lafayette, where Colonel Webster commanded, promptly prepared for resistance. Wayne turned the artillery of Stony Point against the British ships, and compelled them to drop down the river beyond the reach of his guns. He also fired on Verplanck's Point; but the distance was so great that his shot made little impression on the works. The critical moment for assaulting Fort Lafayette having been lost, the plan of operation against it was changed. M'Dougall's detachment was intrusted to General Howe, and he was provided with some battering cannon, to make a breach in the fortifications; but, before he was ready to act against the place, he found it expedient to retreat.

Clinton, on being informed of what had taken place, instantly abandoned his design against New London and the coast of Connecticut; recalled his transports and troops from the Sound; moved his army to Dobb's Ferry; dispatched a body of troops in transports to the assistance of Colonel Webster; and soon followed in person with a larger force, in the expectation that Washington would be induced to leave his strong position, and hazard a battle for the possession of Stony Point. But the failure of the design against Fort Lafayette rendered the possession of Stony Point a matter of no great importance; accordingly, the fortifications having been destroyed, the place was evacuated. The British immediately repossessed themselves of Stony Point; the fortifications were renewed, and a strong garrison posted there. Clinton, finding that Washington could not be drawn from the Highlands, returned to New York.

A British detachment from Halifax, commanded by Colonel Maclean, undertook, in June, to establish a post at Penobscot, in the easternmost part of Massachusetts. The people of Boston were roused at once to the preparing an expedition against the invaders. A considerable fleet was speedily fitted out, and between three or four thousand militia, under command of General Lovell, were embarked for the scene of action. On the 25th of July, the American fleet appeared in Penobscot Bay; but, owing to the opposition of some British sloops of war, and to the bold and rugged nature of the shore, the troops did not effect a landing till the 28th. This interval Maclean improved with such laborious diligence, that his fortifications were in a state of considerable forwardness. Lovell erected a battery within seven hundred and fifty yards of the works: for nearly a fortnight, a brisk cannonade was kept up, and preparations were made to assault the fort. While waiting for reinforcements, Lovell was informed, on the 13th of August, that Sir George Collyer, with a superior naval force, had entered the bay; therefore, in the night he silently embarked his troops and cannon, unperceived by the garrison, which was every moment in expectation of being assaulted. 1779.

On the approach of the British fleet,

the Americans, after some show of preparation for resistance, betook themselves to flight. A general pursuit and unresisted destruction ensued. The Warren, a fine new frigate of thirty-two guns, and fourteen other vessels of inferior force, were either blown up or taken. The transports fled in confusion; and, after having landed the troops in a wild and uncultivated part of the country, were burnt. The men, destitute of provisions and other necessaries, had to explore their way for more than one hundred miles through an uninhabited and pathless wilderness, and many of them perished before reaching the settled country. After this successful exploit, Sir George Collyer returned to New York, where he resigned the command of the fleet to Admiral Arbuthnot, who had arrived from England with some ships of war, and with provisions, stores, and reinforcements for the army.

As an offset to the disappointment caused by this failure, Major Henry Lee performed a most daring and gallant exploit in surprising the British post at Paulus Hook, in full view of the garrison at New York. Washington favored the project, and Lee, emulous of the brilliant affair at Stony Point, entered with alacrity upon the undertaking. On the 18th of August, he set out, with about three hundred men, and, favored by the darkness of the night, he was completely successful. Having taken a hundred and sixty prisoners, including several officers, Lee did not wait to destroy either barracks or artillery. His object was accomplished, and he retreated in safety. The commander-in-chief highly extolled the spirit and gallantry of Lee and his corps, and Congress voted him a gold medal.

It is not often, amid the details of war and bloodshed, that the reader of history gets even a glimpse of the every day routine of life among men whose names and gallant deeds are known throughout the world. We are glad to have the opportunity of quoting a letter from Washington to Dr. John Cochran, surgeon-general and physician to the army, in which the grave and dignified commander-in-chief evinces, that he could indulge in courteous pleasantry even while the affairs of the whole country were pressing heavily upon his attention. The letter is dated, West Point, the 16th of August. 1779.

"Dear Doctor:—I have asked Mrs. Cochran and Mrs. Livingston to dine with me to-morrow, but am I not in honor bound to apprize them of their fare? As I hate deception, even where the imagination only is concerned, I will. It is needless to premise, that my table is large enough to hold the ladies. Of this they had ocular proof yesterday. To say how it is usually covered, is rather more essential, and this shall be the purport of my letter.

"Since our arrival at this happy spot, we have had a ham, sometimes a shoulder of bacon, to grace the head of the table, a piece of roast beef adorns the foot, and a dish of beans, or greens, almost imperceptible, decorates the centre. When the cook has a mind to cut a figure, which I pre-

sume will be the case to-morrow, we have two beef-steak pies, or dishes of crabs, in addition, one on each side of the centre dish, dividing the space, and reducing the distance between dish and dish to about six feet, which, without them, would be nearly twelve feet apart. Of late he has had the surprising sagacity to discover, that apples will make pies, and it is a question, if, in the violence of his efforts, we do not get one of apples, instead of having both of beef-steaks. If the ladies can put up with such entertainment, and will submit to partake of it on plates, once tin, but now iron, (not become so by the labor of scouring,) I shall be happy to see them."

The course pursued by Congress towards the Indians, at the opening of the contest with the mother country, was, it must be admitted, fair and liberal. They endeavored to persuade them to remain neutral between the two parties, and for a time it was hoped, that the horrors of savage warfare would not be added to the fierce struggle in which the people engaged in support of their liberties; but every such hope was speedily dispelled. The influence of British allurements was too strong for the cupidity of Indian nature to resist; and the restlessness of the savage led them readily to join in any schemes where plunder was likely to fall to their share. We have already, in the previous pages of this history, recorded numerous instances of the atrocities of the Indians and tories, especially on the frontiers. To put a stop to their ravages, and to inflict such retribution upon them as their deeds merited, was a subject of immediate concern to Washington.

The Six Nations, with the exception of a portion of the Oneidas, had embarked fully in support of the plans of the tories, and had joined in the shocking barbarities of the Wyoming massacre. Washington, who understood the Indians perfectly, determined that they should be taught the only lesson which they would feel and not forget. He ordered some three thousand men to assemble at Wyoming, under General Sullivan, thence to march into the country of the Senecas: they were to be joined by a body of troops proceeding from the Mohawk River, under General Clinton; the whole force, when united, to march into the heart of the Indian country. Strange though it may seem at first view, yet as it was absolutely necessary, in order to render the expedition of effectual service, that unsparing severity should be practiced, Washington directed Sullivan to detach parties "to lay waste all the settlements around, with instructions to do it in an effectual manner, that the country may be not merely overrun, but destroyed." This was to be done, and done thoroughly, before he was to listen to any overtures for peace. 1779.

"It must be owned," as Mr. Peabody feelingly says, "that orders like these come strangely from the pen of Washington. The most tender mercies of war are sufficiently cruel, when softened by all the mitigations which have resulted from the improved sentiment and feeling of modern times. These

mitigations are not unlike the rules of chivalry, which made it dishonorable to strike at particular portions of the body, while each combatant was at perfect liberty to murder his opponent by hard blows on all the rest. But to ravage flourishing settlements with fire, to destroy them so effectually that, as in ancient times, the plough might pass over the places where they stood, and that not a trace of sustaining vegetation might remain in fields whitening to the harvest, can hardly be thought of without emotions of pain and horror; they are the dark calamities of war, from which the heart turns shuddering away.

"But we are not to forget that they were designed to fall upon a foe, whose path was always to be traced in blood; against whose fury neither the helplessness of infancy, nor feeble age, nor the defenceless state of woman, could afford the least protection. We have already mentioned their atrocities at Wyoming and Cherry Valley; these had awakened a deep and universal conviction, that the only security against such enemies was to be found in driving them completely from the haunts, where, urged on by British agents, or by loyalists more savage and relentless than themselves, they came forth to the work of death. They obeyed the impulses of their wild education, which converted cruelty and revenge into virtues; and the responsibility of the measures adopted against them must certainly rest upon those by whom they were stimulated to aggression, with a full knowledge of the consequences that must follow. It is enough to show how strong must have been the sense entertained of the necessity of such measures, at the time, when we see them planned and ordained by Washington; the last man to devise or desire any thing which bore in his view the aspect of wanton cruelty."*

The language of Chief Justice Marshall respecting this matter, is also very much to the point, and is worthy the reader's attention. "The devastation of the country," he says, "has been spoken of with some degree of disapprobation; but this sentiment is the result rather of an amiable disposition in the human mind to condemn whatever may have the appearance of tending to aggravate the miseries of war, than of reflection. Circumstances existed, which reconciled to humanity this seeming departure from it. Great Britain possessed advantages, which insured a controlling influence over the Indians, and kept them in almost continual war with the United States. Their habitual ferocity seemed to have derived increased virulence from the malignity of the white men, who had taken refuge among them; and there was real foundation for the opinion, that an annual repetition of the horrors of Wyoming could be prevented only by disabling the savages from perpetrating them. No means in the power of the United States promised so certainly to effect this desirable object, as the removal of neighbors, whose hostility could be diminished only by terror, and whose resentments were to be assuaged only by fear."†

* "*Life of General Sullivan*," pp. 128, 9.

† Marshall's "*Life of Washington*," vol. i., p. 323.

On the 11th of August, the army reached the point of confluence of the Tioga with the Susquehanna; General Clinton arrived on the 22d; and the work of devastation was speedily entered upon. The Indians resolved to risk a battle in defence of their country, and under the guidance of Brant selected their ground with skill and judgment. About a mile in front of Newtown, the whole Indian force was collected, estimated by General Sullivan at fifteen hundred men, by themselves at eight hundred. Five companies of whites, amounting to two hundred men, were united with them. They had constructed a breastwork half a mile in length, on a piece of rising ground. The right flank of this work was covered by the river, which, bending to the right, and winding round their rear, exposed only their front and left to an attack. On the left was a high ridge nearly parallel to the general course of the river, terminating somewhat below the breastwork; and, still farther to the left, was another ridge running in the same direction, and leading to the rear of the American army. The ground was covered with pine, interspersed with low scrub oaks, many of which, for the purpose of concealing their works, had been cut up and stuck in front of them, so as to exhibit the appearance of being still growing. The road, after crossing a deep brook at the foot of the hill, turned to the right, and ran nearly parallel to the breastwork, so as to expose the whole flank of the army to their fire, if it should advance without discovering their position. Parties were stationed on both hills, so as to fall on the right flank and rear of Sullivan, so soon as the action should commence.

This arrangement having been discovered just before noon on the 29th of August, a skirmishing was kept up for some time, without hazarding a general attack. As the main body advanced, Sullivan ordered General Poor to take possession of the hill which led into his rear, and, thence, to turn the left, and gain the rear of the breastwork, while Hand, aided by the artillery, should attack in front. These orders were promptly executed. While the artillery played on the front, Poor, pushed up the mountain and commenced a sharp conflict with the Indians occupying it, which was sustained for some time with considerable spirit. Poor continued to advance rapidly, pressing the enemy with the bayonet, until he gained the summit of the hill. The savages perceiving that their flank was uncovered, and that they were in danger of being surrounded, abandoned their breastwork, and fled with the utmost precipitation. 1779.

This victory cost the Americans thirty men. The loss of the Indians was also inconsiderable; but they were so intimidated that every idea of farther resistance was abandoned; and, as Sullivan advanced, they continued to retreat before him. He penetrated into the heart of the country, which his parties laid waste in every direction. Houses, corn-fields, gardens, and fruit-trees, shared one common fate; and Sullivan, having executed with exact-

ness the orders he had received, returned to Easton, in Pennsylvania, early in October. Congress passed a resolution approving the conduct of Sullivan and his army.

We may mention here, that other expeditions against the Indians were undertaken in the course of the year. In April, Colonel Van Schaick, with fifty-five men, marched from Fort Schuyler, and burned the whole Onondaga settlements, consisting of about fifty houses, with a large quantity of provisions, killed twelve Indians and made thirty-four prisoners, without the loss of a single man. In August, at the time when General Sullivan was laying waste the country on the Susquehanna, another expedition, under Colonel Brodhead, was carried on from Pittsburg up the Alleghany. He advanced two hundred miles up the river, and destroyed the villages and corn-fields on its head branches. Here, too, the Indians were unable to resist the invading army; and, after one unsuccessful skirmish, abandoned their villages to a destruction which was inevitable, and sought for safety in their woods.

Although these various efforts did not afford complete security to the western frontier, they were attended with considerable advantages. The savages were intimidated; and their incursions became less formidable, as well as less frequent.

As stated on a previous page (p. 26) Count D'Estaing sailed for the West Indies in November, 1778, for the purpose of advancing the interests of France by an attack upon the British Islands. Dominica had already fallen into the hands of the French; while the English, on their part, had taken St. Lucie. D'Estaing captured St. Vincent's and Grenada, and spread great alarm throughout the West Indies. After a warm but indecisive engagement with the English fleet, D'Estaing was preparing to return home; but, strongly urged by Governor Rutledge, General Lincoln, and the French Consul, to give aid to the American arms in Georgia, he set sail from Cape François, in St. Domingo, and arrived off Savannah, on the 1st of September, with twenty-two sail of the line and a number of smaller vessels. The Experiment, a fifty-gun ship, and some other British vessels, fell into his hands.

Immediately on hearing of D'Estaing's arrival, General Lincoln, with about one thousand men, marched to Zubly's Ferry on the Savannah, but found more difficulty than he had anticipated in crossing the river and its marshes. On the evening of the 13th of September, however, he reached the southern bank, and encamped on the heights of Ebenezer, twenty-three miles from Savannah. There he was joined by Colonel M'Intosh, with his detachment, from Augusta. Pulaski's legion also arrived in camp. On the same day that Lincoln passed Zubly's Ferry, D'Estaing landed three thousand men at Beaulieu; and, on the 16th of September, the combined armies united their strength before Savannah. That place was the headquarters of General Prevost, who commanded the British troops in the southern provinces. Apprehending no immediate danger, he had weakened

1779.

his garrison by establishing some distant outposts in Georgia, and by leaving Colonel Maitland, with a strong detachment, at Beaufort, in the Island of Port Royal in South Carolina: but on the appearance of the French fleet, he immediately called in all his outposts; and before the French landed, or the Americans crossed the river, all the British detachments in Georgia had assembled at Savannah, and amounted to nearly two thousand men.

D'Estaing had already summoned Prevost to surrender in the name of the king of France; but that officer, anxious to gain time, deluded the French commander into a suspension of hostilities for twenty-four hours, during which he labored diligently in strengthening his defences, and was reinforced by the arrival of Colonel Maitland with the detachment from Beaufort. Prevost now declared his intention to defend the place to the last extremity. The combined armies determined to besiege the town, and made the necessary preparations for that purpose. Several days were spent in bringing up heavy artillery and stores from the fleet; and on the 23d of September, the besieging army broke ground before the town. By the 1st of October, they had advanced within three hundred yards of the British works. Several batteries, mounting thirty-three pieces of heavy cannon and nine mortars, had for several days played incessantly on the garrison; and a floating battery of sixteen guns had also opened upon it from the river But this cannonade made little impression on the works.

The situation of D'Estaing became extremely unpleasant. More time had already been spent in the siege than he had allotted for the expulsion of the British troops from that province. The French West India Islands were exposed to danger in his absence; the tempestuous season of the year was setting in; a superior British fleet might come against him; and his officers strongly remonstrated against remaining longer in the Savannah. By continuing their regular approaches for a few days more, the besiegers would probably have made themselves masters of the place; but these few days D'Estaing thought that he could not spare. No alternative remained but to raise the siege, or storm the place. The last of these the French commander resolved to attempt. For that purpose, on the morning of the 9th of October, a heavy cannonade and bombardment opened on the town. Three thousand French, and one thousand five hundred Americans, led by D'Estaing and Lincoln, advanced in three columns to the assault. But the garrison was fully prepared to receive them: the works were skilfully constructed, and diligently strengthened; and the French and Americans met with a warm reception. A well-directed and destructive fire from the batteries opened upon them; but they resolutely advanced, broke through the abattis, crossed the ditch, and mounted the parapet. The French and Americans, with emulous valor, each planted a standard on a redoubt; but fell in great numbers in endeavoring to force their way into the works. While the assailants were vigorously

opposed in front, the batteries galled their flanks. Count Pulaski, at the head of two hundred horsemen, galloped between the batteries toward the town, with the intention of charging the garrison in the rear; but he fell mortally wounded, and his squadron was broken. Having stood the British fire for fifty-five minutes, the French and American force sounded a retreat. The French loss in killed and wounded was nearly seven hundred; that of the Americans upwards of two hundred. The British, fighting under cover, lost but a small number comparatively.

After this repulse, no hope of taking the town remained; and Count D'Estaing having removed his heavy artillery, both armies left their ground on the evening of the 18th of October. D'Estaing marched only two miles that evening, and remained in the same encampment next day, in order to cover General Lincoln's retreat, and secure him from a pursuit by the garrison.

1779. The Americans recrossed the Savannah at Zubly's Ferry, and took a position in South Carolina. The militia returned home. The French, with all their artillery, ammunition, and baggage, embarked without delay; but scarcely were they on board when a violent storm arose, which so completely dispersed the fleet, that, of seven ships which the admiral ordered to Hampton Road in Chesapeake Bay, one only was able to reach that place.*

From the arrival of the French to assist in the siege of Savannah, the Americans had anticipated the most brilliant results; and the discomfiture of the combined forces at that place spread a deep gloom over the southern provinces, where the cause of independence seemed more desperate than at any former period of the war. Their paper money became more depreciated; and the hopes of the tories and other enemies of their country's liberties rose in proportion to the supposed success of the British invasion. General Lincoln called for help, and Congress took every step in its power to give the succor which was imperatively needed.

During the siege of Savannah, an ingenious enterprise of partisan warfare was executed by Colonel John White of the Georgia line. Before the arrival of the French fleet in the Savannah, a British captain, with one hundred and eleven men, had taken post near the river Ogeeche, twenty-five miles from Savannah. At the same place were five British vessels, four of which were armed, the largest with fourteen guns, the least with four; and the vessels were manned with forty sailors. Late at night, on the 30th of September, White, who had only six volunteers, including his own servant,

* Such was the issue of the Count D'Estaing's campaign upon the coasts of North America, a campaign in which the allies had placed such sanguine hopes. After failing in the expedition against the British in the Delaware, he twice abandoned Newport at the most critical moment. Finally, under the walls of Savannah, he showed himself at first too circumspect; he delayed the attack, and afterwards precipitated an assault which resulted in discomfiture. It is but fair, however, to bear in mind that, although none of the great results which were expected, followed from D'Estaing's assistance to the Americans, yet the French fleet most materially aided the cause, by deranging the plans of the British, by causing the evacuation of Rhode Island, and by delaying the expedition of Clinton against the south.

kindled a number of fires in different places, so as to exhibit the appearance of a considerable encampment, practiced several other corresponding artifices, and then summoned the captain instantly to surrender. That officer, believing that he was about to be attacked by a superior force, and that nothing but immediate submission could save him and his men from destruction, made no defence. The stratagem was carried on with so much address, that the prisoners, amounting to one hundred and forty-one, were secured, and conducted to the American post at Sunbury, twenty-five miles distant.

Spain, in June, 1779, after a great deal of hesitation, joined with France in the war against Great Britain, and unusual efforts were made to compete with the vast naval power of England. Congress found its hands full in endeavoring to settle the various questions which arose in connection with this new alliance. In return for the joint assistance of France and Spain, the French ambassador endeavored to obtain for the latter the concession of the Floridas, and the exclusive right to navigate the Mississippi. For his own court, he sought to induce Congress to give up the fisheries of Newfoundland. He argued also, that it would be expecting too much of the pride of Great Britain, formally to acknowledge the independence of her revolted colonies, and that the Americans ought, like the Swiss and Dutch, to be content with a tacit and indirect admission of it. These unreasonable terms, militating, as they did, against the interest of the separate States, occasioned a lengthened, and often an angry discussion. What one was disposed to concede as indifferent, another was determined to retain as vital. Massachusetts could not surrender the northern fisheries; Virginia required the free navigation of the Mississippi. Eventually the claims were compromised; Florida was given up to Spain, the other matters left undecided; but upon one point the Americans were inflexible—that the war should be maintained until their independence was formally established and acknowledged.*

In a previous chapter, we have alluded to the famous Paul Jones and his noted exploits. As part of the history of this year, we are called upon to record a naval battle, in which he was engaged, which was one of the most obstinately contested sea-fights which the world has ever witnessed. In some way, not quite clearly explained, Jones had obtained a vessel in France, the "Bonhomme Richard," of forty guns, and manned by some three hundred and seventy-five men. Three other vessels, the Alliance, of thirty-six guns, the Pallas, of thirty-two, and the Vengeance, of twelve guns, formed a part of the squadron, of which Jones acted as commodore. At the close of July, Jones sailed from l'Orient, steered for the western coast of Ireland, and appeared off Kerry. From thence —we quote a contemporary account— he ranged round the north of Scotland, till he came off the Frith of Forth, on September 19th; when he directed his

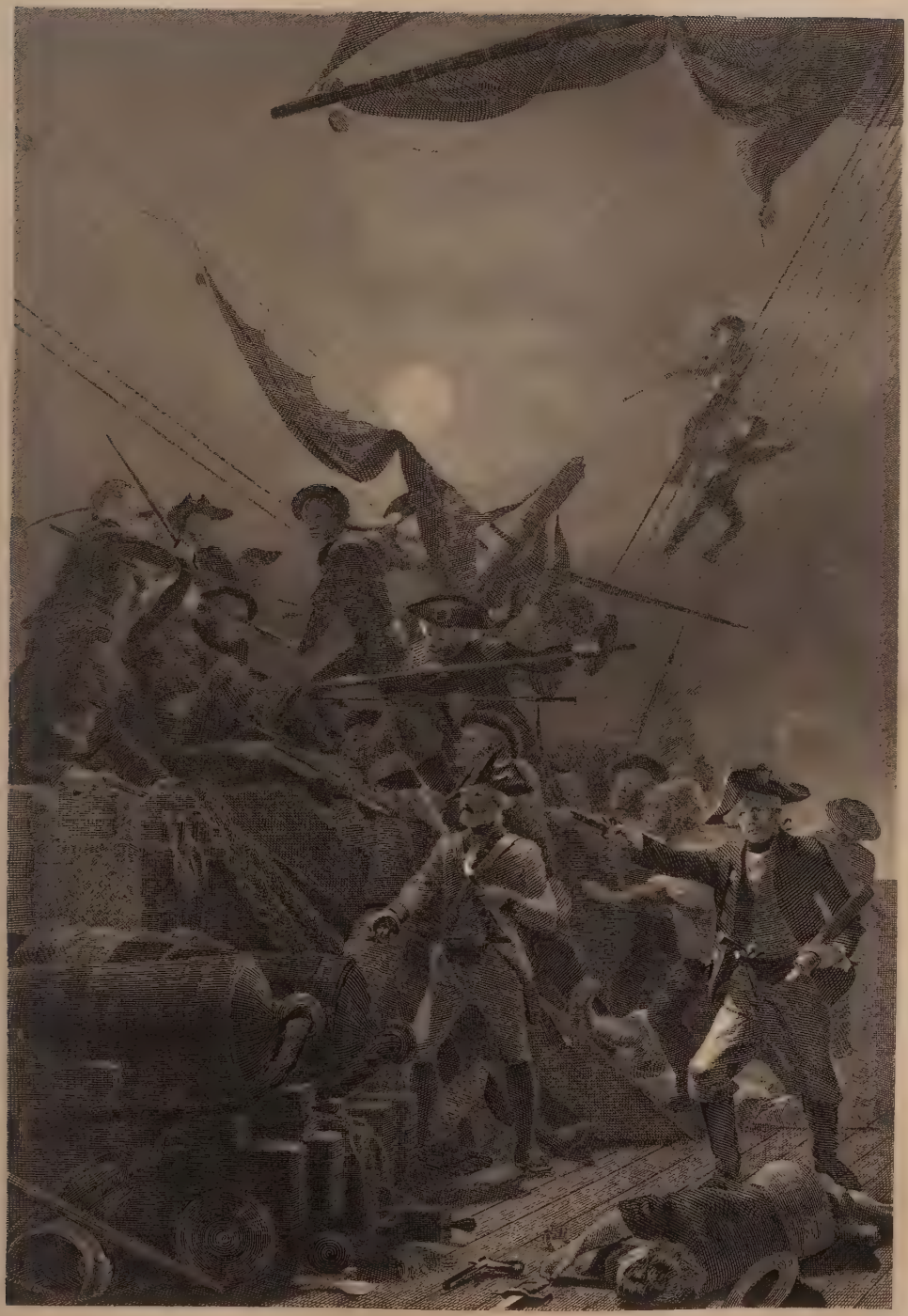
1779.

* See Pitkin's "*Political and Civil History of the United States*," vol. ii., pp. 73–87.

course to Flamborough Head. Being off the head, he fell in on the 23d, with the fleet, from the Baltic, under the protection of the Serapis, Captain Pearson, and the Countess of Scarborough, Captain Piercy. Before noon, Captain Pearson received intelligence from the bailiffs of Scarborough, of the squadron, under Jones, being on the coast. Between twelve and one, the headmost of the fleet got sight of it, when the Serapis made all the sail she could, to get between the enemy and the convoy, which she soon effected. Captain Pearson, by four o'clock, plainly discerning from the deck, that the squadron consisted of three large ships, and a brig, (the cutter was not now with them,) made the Countess of Scarborough's signal to join him, which was done about half-past five. A little after seven, the Bonhomme Richard, brought to within musket shot of the Serapis, when the fight began, and was maintained with equal fury on both sides, each vessel using all possible means to gain an advantageous situation, to take the other.

Captain Pearson had infinitely the superiority over the Bonhomme Richard, in working the Serapis, and obtained advantages in spite of every effort of Jones to prevent it. Jones, to render such superiority useless, aimed at laying his ship athwart the hawse of the other. Though he did not succeed to his wish, yet as the bowsprit of the Serapis ran between his poop and mizzen-mast, he seized the opportunity of lashing the vessels together, when the wind driving the head of the Serapis against the bow of the Bonhomme Richard, they became so close fore and aft, that the muzzles of their guns touched each other's sides. In this position, they engaged from half-past eight till half-past ten. But before it commenced, the Bonhomme Richard had received many eighteen-pound shot between wind and water, and was become very leaky. Her tier of twelve-pounders was entirely silenced and abandoned. Her six eighteen-pounders, which were old, were of no service, and were fired but eight times in all.

During the succeeding action, Jones made use only of three nine-pounders, whose fire was seconded by that of his men in the round tops. At the same time, others threw such a quantity and variety of combustible matters into the decks, chains, and every part of the Serapis, that she was on fire not less than ten or twelve times in different parts, and it was with the greatest difficulty, that the same could be extinguished. At half-past nine, by some accident, the Serapis had a cartridge of powder set on fire, the flames of which communicating from one to another all the way aft, blew up all the people and officers abaft the mainmast, and rendered all those guns useless for the remainder of the action. When both ships were on fire together, as it happened at times, the spectacle was dreadful beyond expression. The Alliance repeatedly sailed round both while engaged, raking the Serapis fore and aft, and thereby killing or wounding many of her men on the quarter and main decks. After ten she came up afresh, and renewed the fire; but through the darkness of the night, and



both ships being so close along side each other, it was not poured into the Serapis alone, but also into the Bonhomme Richard, eleven of whose men were killed, beside an officer mortally wounded, by one of her broadsides. Captain Pearson, however, perceiving that it was impracticable to stand out any longer with the least prospect of success, struck, after having (by his conduct and persevering bravery) secured to his convoy the opportunity of saving themselves. The Serapis was a much superior ship to the Bonhomme Richard, being built on an excellent model, and carrying forty-four guns in two tiers, the lower eighteen-pounders. The number of men killed and wounded on each side was necessarily great. Both ships suffered much: but the Bonhomme Richard was reduced to a wreck; she had near seven feet of water in her hold, which kept increasing. The wounded were removed, and only the first lieutenant of the Pallas, with some men left on board, to keep the pumps going, while the boats were disposed within call to take them in when occasion required. On the 25th of September, the water rose to her lower deck, and she went down; but nobody was lost with her. It still remains to be mentioned, that the Countess of Scarborough engaged the Pallas for near two hours, when Captain Piercy was obliged to strike.* Commodore Jones, with the remains of his flying squadron and prizes, made for Holland, and on the 3d of October, anchored off the Texel. The commodore estimated the prizes taken and ransomed by the Bonhomme Richard, during her cruise, at more than £40,000.

Washington had counted, to some extent, upon assistance from D'Estaing, and had purposed a combined attack upon New York; but the failure of operations at the south, put an end to any expectations based upon the arrival of the French fleet; and toward the close of December, the commander-in-chief went into winter-quarters. These were chosen for the convenience of wood, water, and provisions, and with an eye to the protection of the country. To this end, the army was thrown into two grand divisions. The northern was put under the command of General Heath, and stationed with a view to the security of West Point, its dependencies, and the adjacent country. The other retired to Morristown, in New Jersey. In this situation, which was well calculated to secure the country to the southward of New York, Washington, with the principal division of the American army, took his station for the winter.*

* For a more elaborate and carefully digested account of this renowned battle, we refer the reader to Cooper's "*Naval History*," vol. i., pp. 98–114.

* "The operations of the enemy, this campaign," said Washington, writing to Lafayette, in France, "have been confined to the establishment of works of defence, taking a post at King's Ferry, and burning the defenceless towns of New Haven, Fairfield, and Norwalk, on the Sound, within reach of their shipping, where little else was, or could be opposed to them, than the cries of distressed women and children; but these were offered in vain. Since these notable exploits, they have never stepped out of their works, or beyond their lines. How a conduct of this kind is to effect the conquest of America, the wisdom of a North, a Germaine, or a Sandwich, can best decide. It is too deep and refined for the comprehension of common understandings, and the general run of politicians."

The winter of 1779 was uncommonly severe. The British in New York and Staten Island no longer enjoyed the security which their insular situation usually afforded. Those in New York suffered from the want of fuel, and other supplies from the country. To add to their difficulties, Washington so disposed his troops, as to give the greatest possible obstruction to the communication between the British garrison, and such of the inhabitants without their lines, as were disposed to supply their wants. This occasioned many a partisan contest, in which individuals were killed, but without any national effect. Had Washington been supported as he desired, the weakness of the British army, in consequence of their large detachments to the southward, in conjunction with the severity of the winter, would have given him an opportunity for indulging his native spirit of enterprise. But he felt quite unable to attempt any thing on a large scale, for his army was not only inferior in number to that opposed to him, but was so destitute of necessary supplies, especially clothing, as to be unequal to active operations during the winter.

The history of these times which tried men's souls, would be in great measure, incomplete, were we to give but the ordinary details of events. The military operations of the period constitute only a part of what one ought to know, would he rightly understand the truth of history, and form an adequate conception of the hard and bitter trials and difficulties through which our fathers were called upon to pass, ere the blessed privilege of independence and freedom was secured. No more fitting place is likely to occur than here, for some remarks on points not always dwelt upon in recounting the story of the American Revolution.

We have, on a previous page, spoken of the reaction in the public mind consequent upon the French alliance. At first, the enthusiasm of the people was unbounded, and the sacrifices they were willing to make were such as no people ever before voluntarily took upon themselves. But as the contest was protracted; as the war was drawn out to a length quite beyond public expectation; the ardor of many began to cool, and their enthusiasm speedily died out. When the surrender of Burgoyne took place, and the French alliance was effected in consequence, the notion was entertained that now the war was virtually at an end, and that the French would finish the quarrel with the English, while America might look on and reap the benefits of victory

Washington and his fellow patriots were too enlightened not to take alarm at this state of things: they saw the evil in all its extent, and spared no exertions in applying such remedies as they could. They had recourse to exhortations, to the remembrance of past exploits; they represented the necessity of not forfeiting the respect of the allies; the perils that still impended; the power and the intrigues of England; but it was all in vain. Profoundly apathetic, reckless of consequences, the mass of the people were willing to abandon to chance the decision of their dearest interests; nothing, as it seemed, could rouse them.

The recruiting of the army progressed with the most tedious slowness. The soldiers that were under Washington, some because they had completed their engagements, others because they were tired of serving, deserted their colors, and retired to their homes. And by what means were they to be replaced? Scarcely a few individuals were found who would engage, according to the regulations of Congress, for three years, or till the end of the war. Engagements for a shorter term, could be of no utility to the service, and the backwardness of the people warranted no calculation even upon that resource. To draw them by lot, and constrain them to march, was thought to be, and was, in fact, too dangerous a measure to be adopted in the present temper of men's minds. The same lethargy seemed to have overspread the army itself. It was well for it, that the English were so little enterprising.

What wonder, then, that languor and apathy characterized this year's campaign? What wonder, that Washington was only too glad to be able to avoid a battle instead of conducting an enterprise against New York, as he so ardently wished?

But it was not lukewarmness and indifference alone—bad as these were—which now prevailed. There sprang up in the midst of this people contending for the precious boon of liberty, a shameless thirst for gain, an unbridled lust after riches, no matter by what means acquired. The most illicit, the most disgraceful ways, were no let to this devouring passion. As it happens but too often in times of revolutions, there had sprung up a race of men who sought to make their private advantage of the public distress. Dependence or independence, liberty or no liberty,—as has been eloquently said,—were all one to them, provided they could fatten on the substance of the state. While good citizens were wasting themselves in camps, or in the discharge of the most arduous functions; while they were devoting to their country, their time, their estates, their very existence, these insatiable robbers were plundering, and sharing out, without a blush, the public fortune, and private fortunes. All private contracts became the object of their usurious interference and nefarious gains; all army supplies enriched them with peculations; and the state often paid dearly for what it never obtained. Nor let any imagine that the most sincere and virtuous friends of their country ever made so pompous a parade of their zeal. To hear these vile beings, *they* only were animated with a genuine and glowing patriotism. Every citizen of eminent rank, or invested with any public authority whatever, who refused to connive at their rapines, was immediately denounced as lukewarm, tory, loyalist, sold to England: it would seem that the first duty of those who governed the republic in times of such distress, was to fill the coffers of these flaming patriots. That their own praises should always have hung upon their lips is not to be wondered at; for there has never existed a robber, who had not been first a cheat; but what seems really strange, and almost staggers belief, is that they could have found partisans

and dupes. This public pest spread wider every day; it had already gangrened the very heart of the state. The good were silenced; the corrupt plumed themselves upon their effrontery; every thing presaged an approaching ruin; and England's hope was, soon to see it.

Sad is it to record such things as these; sad is it to see and know the corruption of morals and public faith which made its destructive way unchecked. The poverty of the government, and the necessity of its having funds to go upon, led, as a matter of course, to enormous issues of irredeemable paper money. This money soon became almost worthless; the British, with malignant cruelty, emitted masses of counterfeited notes; specie became more and more valuable; individual integrity everywhere relaxed; the faith of contracts was every day violated; and the government, a party to these pecuniary frauds, was compelled to wink at the frauds of its agents and servants. Many a man did not scruple to take advantage of his creditors, and force them to receive the continental bills at the value which they bore on their face. Few, at first, disgraced themselves by so mean an act; but as evil propagates itself more rapidly than good, a multitude of citizens did the same thing, and the contagion became general. Herein the faithless and avaricious debtor was no respecter of persons. Washington himself experienced this odious return from a number of those whom he had generously succored in their necessities.

Another class, also, sprang up amid the distresses of the times; men, who, by lying arts of jobbers and intriguers, by manufacturing and circulating news, favorable or unfavorable as their schemes required, made it a business to speculate upon the depreciation of the bills, getting their profit from a temporary rise or fall. The useful arts, and the labors of a fair commerce, were abandoned for the more alluring chances of paper negotiations. The basest of men enriched themselves; the most estimable and upright, sunk into indigence. The finances of the state, the fortunes of individuals, experienced the same confusion. Nor was avarice the extent of the evil: the contagion of that pestiferous passion attacked the very source of every virtue. Private interest everywhere carried it against the interest of the public. A greater number than it is easy to believe, looked upon the love of country, as a mere illusion, which held out no better prospect than ruin and desolation. Nobody would enlist without exorbitant bounty; nobody would contract to furnish the public supplies; none would supply the contractors, without enormous profits first lodged in their hands; none would accept of an office, or magistracy, without perfect assurance of a very large salary and illicit perquisites. The disorder, the depravation, were pushed to such a point, that perhaps never was the ancient adage more deplorably confirmed, that *there is no halting-place on the road of corruption.**

It would seem, from what has been

* See Botta's "*History of the War of Independence*," vol. iii., pp. 76–91.

said above, that there was hardly any thing further, which could be added, to fill up the measure of the trials and mortifications, to which the good and upright men, who were struggling for liberty, were exposed; but, we are grieved to say, that there was; that lust for gold, and violated faith, were not all, if they were the worst of trials. Party spirit raged among the people, and even the members of Congress, too many of them, disgraced themselves, and neglected the grave duties of their position, by petty squabbles, by unworthy disputes, by seeking to pull one another to pieces, and by charges and recriminations on the subject of the French, and the alliance with that and other foreign nations. The seeds of discord, in Congress, germinated rapidly, and the fruit matured soon after the return of Silas Deane to the United States, in the fleet of Count D'Estaing.* We shall not here enter into the question, as to the merits of the dispute between the favorers and the opponents of Deane. We speak of it now only as illustrating the prevalence of party spirit, and the deterioration which had taken place in Congress itself. The reader will find it instructive, to examine into the matter at his leisure. It is fully and impartially exhibited, with the documents, in Pitkin's "Political and Civil History of the United States."

With these glimpses at the interior state of affairs at this date, the intelligent student of history will be at no loss to understand, why it was that Washington was so greatly depressed in mind oftentimes, and why the true lovers of their country and their country's liberty, were so often called upon to mourn over decayed public virtue, and were almost in despair of the republic. God be thanked, that they did not wholly despair! God be thanked, that they were enabled to endure unto the end!

* Mr. Elkanah Watson, writing in 1781, says; "On my return from Brussels, I called upon the once celebrated Silas Deane, at Ghent. He was a member of the first Congress, a sensible and intriguing man, and our early secret agent at the court of France. He had lost his high standing both in France and America. I found him a voluntary exile, misanthropic in his feelings, intent on getting money, and deadly hostile to his native land. His language was so strong and decided on the subject of American affairs, and evinced so much hostility to his native land, that I felt constrained, upon my return to Paris, to announce to Dr. Franklin my conviction that Mr. Deane must be regarded an enemy alike to France and America. He observed to me, that similar reports had reached him before, but that he had been unwilling to admit their truth." In a note, Mr. Watson quotes from a letter of John Trumbull, the author of "McFingal," some remarks in vindication of Mr. Deane, and calculated to explain, at least, in part, the reasons which led to many of his acts.—See "*Men and Times of the Revolution*," pp. 130, 131.

APPENDIX TO CHAPTER VI.

THE CONTINENTAL PAPER CURRENCY.*

In the modern mode of making war, money is not less essential, than valor in the field, or wisdom in the cabinet. The deepest purse decides the fate of contending nations, as often as the longest sword. It early occurred to the founders of the American empire, that the established revenues of Great Britain, must eventually overbalance the sudden and impetuous sallies of men contending for freedom, on the spur of the occasion, and without the permanent means of defence; but how to remedy the evil, puzzled their wisest politicians. Gold and silver, as far as was known, had not a physical existence in the country, in any quantity equal to the demands of war, nor could they be procured from abroad, as the channels of commerce had been previously shut, by the voluntary association of Congress to suspend foreign trade. America having never been much taxed in any direct way, and being without established governments, and especially as she was contending against what was lately lawful authority, could not immediately proceed to taxation. Besides, as the contest was on the subject of taxation, the laying on of taxes adequate to the exigencies of war, even though it had been practicable, would have been impolitic. The only plausible expedient in their power to adopt, was the emission of bills of credit, representing specie, under a public engagement to be ultimately sunk by equal taxes, or exchanged for gold or silver. This practice had been similar from the first settlement of the colonies, and under proper restrictions, had been found highly advantageous. Their resolution to raise an army in June, 1775, was therefore followed by another, to emit bills of credit, to the amount of two millions of dollars. To that sum, on the 25th of the next month, it was resolved to add another million. For their redemption, they pledged the confederated colonies, and directed each colony to find ways and means, to sink its proportion and quota, in four annual payments, the first to be made on or before the last of November, 1779. That time was fixed upon from an expectation, that previous to its arrival, the contest would be brought to a conclusion. On the 29th of November, 1775, an estimate having been made by Congress, of the public expenses already incurred, or likely to be incurred in carrying on their defence, till the 10th of June, 1776, it was resolved to emit a farther sum of three millions of dollars, to be redeemed as the former, by four annual payments, the first to be made on or before the last day of November, 1779. It was at the same time determined, that the quotas of bills to be redeemed by each colony, should be in a relative proportion to their respective numbers of inhabitants. This estimate was calculated to defray expenses to the 10th of June, 1776, on the idea that an accommodation would take place before that time. Hitherto, all arrangements, both for men and money, were temporary, and founded on the supposed probability of a reconciliation. Early in 1776, Congress obtained information, that Great Britain had contracted for sixteen thousand foreign mercenaries, to be sent over for the purpose of subduing America. This enforced the necessity of extending their plan of defence beyond the 10th of the next June. They, therefore, on the 17th of February, 1776, ordered four millions of dollars to be emitted, and on the 9th of May, and the 22d of July following, emitted ten millions more on the same security. Such was the animation of the times, that these several emissions, amounting in the aggregate, to twenty millions of dollars, circulated for several months, without any depreciation, and commanded the resources of the country for public service, equally with the same sum of gold or silver. The United States derived for a considerable time, as much benefit from this paper creation of their own, though

* Ramsay's "*History of the American Revolution*," vol. ii., pp. 12-22.

without any established funds for its support or redemption, as would have resulted from a free gift of as many Mexican dollars. While the ministry of England were puzzling themselves for new taxes, and funds on which to raise their supplies, Congress raised theirs by resolutions, directing paper of no intrinsic value to be struck off, in form of promissory notes. But there was a point, both in time and quantity, beyond which this congressional alchymy ceased to operate. That time was about eighteen months from the date of their first emission, and that quantity about twenty millions of dollars.

Independence being declared in the second year of the war, and the object for which arms were at first assumed being changed, it was obvious that more money must be procured, and equally so, that if bills of credit were multiplied beyond a reasonable sum for circulation, they must necessarily depreciate. It was therefore, on the 3d of October, 1776, resolved to borrow five millions of dollars, and in the month following, a lottery was set on foot for obtaining a farther sum on loan. The expenses of the war were so great, that the money arising from both, though considerable, was far short of a sufficiency. The rulers of America thought it still premature, to urge taxation. They therefore reiterated the expedient of farther emissions. The ease with which the means of procuring supplies were furnished by striking off bills of credit, and the readiness of the people to receive them, prompted Congress to multiply them beyond the limits of prudence. A diminution of their value was the unavoidable consequence. This, at first, was scarcely perceivable, but it daily increased. The zeal of the people, nevertheless, so far overbalanced the nice mercantile calculations of interest, that the campaigns of 1776 and 1777, were not affected by the depreciation of the paper currency. Congress foresaw that this could not long be the case. It was, therefore, on the 22d of November, 1777, recommended to the several states, to raise by taxes, the sum of five millions of dollars, for the service of the year 1778.

Previously to this, it had been resolved to borrow larger sums, and for the encouragement of lenders, it was agreed to pay the interest which should accrue thereon, by bills of exchange, payable in France, out of moneys borrowed there for the use of the United States. This tax unfortunately failed in several of the states. From the impossibility of procuring a sufficiency of money, either from loans or taxes, the old expedient of farther emissions, was reiterated; but the value decreased, as the quantity increased. Congress, anxious to put a stop to the increase of their bills of credit, and to provide a fund for reducing what were issued, called upon the states, on the 1st of January, 1779, to pay into the continental treasury their respective quotas, of fifteen millions of dollars, for the service of that year, and of six millions annually, from and after the year 1779, as a fund for reducing their early emissions and loans. Such had been the mistaken ideas, which originally prevailed of the duration of the contest, that though the war was raging, and the demands for money unabated, yet the period was arrived which had been originally fixed upon for the redemption of the first emissions of Congress.

In addition to these fifteen millions called for on the 1st of January, 1779, the states were, on the 21st of May following, called upon to furnish, for public service, within the current year, their respective quotas of forty-five millions of dollars. Congress wished to arrest the growing depreciation, and therefore called for taxes in large sums, proportioned to the demands of the public, and also to the diminished value of their bills. These requisitions, though nominally large, were by no means sufficient. From the fluctuating state of the money, it was impossible to make any certain calculations, for it was not two days of the same value. A sum which, when demanded, would have purchased a sufficiency of the commodities wanted for the public service, was very inadequate, when the collection was made, and the money lodged in the treasury. The depreciation began at different periods, in different states; but became general about the middle of the year 1777, and progressively increased for three or four years. Towards the end of 1777, the depreciation was about two or three for one; in 1778, it advanced from two or three for one, to five or six for one; in 1779, from five or six for one, to twenty-seven or twenty-eight for one; in 1780, from twenty-seven or twenty-eight for one, to fifty or sixty for one, in the first four or five months. Its circulation was afterwards partial,

but where it passed, it soon depreciated to one hundred and fifty for one. In some few parts, it continued in circulation for the first four or five months of 1781, but in this latter period, many would not take it at any rate, and they who did, received it at a depreciation of several hundreds for one.

As there was a general clamor on account of the floods of money, which, at successive periods, had deluged the states, it was resolved, in October, 1779, that no farther sum should be issued on any account whatever, than what, when added to the present sum in circulation, would, in the whole, be equal to two hundred millions of dollars. It was at the same time, resolved, that Congress should emit only such a part of the sum wanting to make up two hundred millions, as should be absolutely necessary for the public exigencies, before adequate supplies could be otherwise obtained, relying for such supplies on the exertions of the several states. This was forcibly represented in a circular letter from Congress to their constituents, and the states were earnestly entreated to prevent that deluge of evils which would flow from their neglecting to furnish adequate supplies for the wants of the confederacy. The same circular letter stated the practicability of redeeming all the bills of Congress, at par, with gold and silver, and rejected with indignation, the supposition, that the states would ever tarnish their credit, by violating public faith. These strong declarations in favor of paper currency, deceived many, to repose confidence in it to their ruin. Subsequent events compelled Congress to adopt the very measure in 1780, which, in the preceding year, they had sincerely reprobated.

From the non-compliance of the states, Congress was obliged, in a short time after the date of their circular letter, to issue such a farther quantity, as when added to previous emissions, made the sum of two hundred millions of dollars. Besides this immense sum, the paper emissions of the different states amounted to many millions; which mixed with the continental money, and added to its depreciation. What was of little value before, now became less. The whole was soon expended, and, yet, from its increased depreciation, the immediate wants of the army were not supplied. The source, which, for five years, had enabled Congress to keep an army in the field, being exhausted, General Washington was reduced for some time to the alternative of disbanding his troops, or of supplying them by a military force. He preferred the latter, and the inhabitants of New York and New Jersey, though they felt the injury, saw the necessity, and patiently submitted.

The states were next called upon to furnish, in lieu of money, determinate quantities of beef, pork, flour, and other articles for the use of the army. This was called a requisition for specific supplies, or a tax in kind, and was found, on experiment, to be so difficult of execution, so inconvenient, partial, and expensive, that it was speedily abandoned. About this time, Congress resolved upon another expedient. This was to issue a new species of paper money, under the guarantee of the several states. The old money was to be called in by taxes, and as soon as brought in, to be burnt; and in lieu thereof, one dollar of the new was to be emitted for every twenty of the old, so that when the whole two hundred millions were drawn in and cancelled, only ten millions of the new should be issued in their place, four-tenths of which were to be subject to the order of Congress, and the remaining six-tenths to the order of the several states. These new bills were to be redeemable in specie, within six years, and bear an interest, at the rate of five per cent., to be paid also in specie, at the redemption of the bills, or at the election of the owner, annually in bills of exchange, on the American commissioners in Europe, at four shillings and sixpence for each dollar.

From the execution of these resolutions, it was expected, that the old money would be cancelled; that the currency would be reduced to a fixed standard; that the states would be supplied with the means of purchasing the specie supplies required of them; and that Congress would be furnished with efficient money, to provide for the exigencies of the war. That these good effects would have followed, even though the resolutions of Congress had been carried into execution, is very questionable, but from the partial compliances of the states, the experiment was never fairly made, and the new paper answered very little purpose. It was hoped, by varying the ground of credit, that Congress would give a repetition of the advantages which resulted from

their first paper expedient, but these hopes were of short duration. By this time, much of the popular enthusiasm had spent itself, and confidence in public engagements was nearly expired. The event proved, that credit is of too delicate a nature to be sported with, and can only be maintained by honesty and punctuality. The several expedients proposed by Congress, for raising supplies having failed, a crisis followed, very interesting to the success of the Revolution. The particulars of this shall be related among the public events of the year 1781, in which it took place. Some observations on that primary instrument of American Independence, the old continental bills of credit, shall for the present close this subject.

It would have been impossible to have carried on the war, without something in the form of money. There was spirit enough in America, to bring to the field of battle as many of her sons, as would have outnumbered the armies of Britain, and to have risked their fate on a general engagement; but this was the very thing they sought to avoid. Their principal hope lay in evacuating, retreating, and protracting to its utmost length a war of posts. The continued exertions, necessary for this species of defence, could not be expected from the impetuous sallies of militia. A regular permanent army became necessary. Though the enthusiasm of the times might have dispensed with present pay, yet without at least as much money as would support them in the field, the most patriotic army must have dispersed.

The impossibility of the Americans procuring gold and silver, even for that purpose, doubtless weighed with the British, as an encouragement, to bring the controversy to the decision of the sword. What they knew could not be done by ordinary means, was accomplished by those which were extraordinary. Paper of no intrinsic value, was made to answer all the purposes of gold and silver, and to support the expenses of five campaigns. This was, in some degree, owing to a previous confidence, which had been begotten by honesty and fidelity, in discharging the engagements of government. From New York to Georgia, there never had been, in matters relating to money, an instance of a breach of public faith. In the scarcity of gold and silver, many emergencies had imposed a necessity of emitting bills of credit. These had been uniformly and honestly redeemed. The bills of Congress being thrown into circulation, on this favorable foundation of public confidence, were readily received. The enthusiasm of the people contributed to the same effect. That the endangered liberties of America ought to be defended, and that the credit of their paper was essentially necessary to a proper defence, were opinions engraven on the hearts of a great majority of the citizens. It was, therefore, a point of honor, and considered as a part of duty, to take the bills freely at their full value. Private gain was then so little regarded, that the Whig citizens were willing to run all the hazards incidental to bills of credit, rather than injure the cause of their country, by undervaluing its money. Every thing human has its limits. While the credit of the money was well supported by public confidence and patriotism, its value diminished from the increase of its quantity. Repeated emissions begat that natural depreciation, which results from an excess of quantity. This was helped on by various causes, which affected the *credit* of the money. The enemy very ingeniously counterfeited their bills, and industriously circulated their forgeries through the United States. Congress allowed to their public agents a commission, on the amount of their purchases. Instead of exerting themselves to purchase at a low price, they had therefore an interest in giving a high price for every thing. So strong was the force of prejudice, that the British mode of supplying armies by contract, could not for a long time, obtain the approbation of Congress. While these causes operated, confidence in the public was abating, and at the same time, that fervor of patriotism which disregarded interest, was daily declining. To prevent, or retard the depreciation of their paper money, Congress attempted to prop its credit, by means which wrecked private property, and injured the morals of the people, without answering the end proposed. They recommended to the states, to pass laws for regulating the prices of labor, manufacture, and all sorts of commodities; for confiscating and selling the estates of tories; and for investing the money arising from the sales thereof in loan-office certificates. As many of those who were disaffected to the Revolution, absolutely refused to take the bills of Congress, even in the first stage of the

war, when the real and nominal value was the same, with the view of counteracting their machinations, Congress early recommended to the states, to pass laws for making the paper money, a legal tender, at their nominal value, in the discharge of *bona fide* debts, though contracted to be paid in gold or silver. With the same views, they farther recommended, that laws should be passed by each of the states, ordaining that "whosoever should ask or receive more, in their bills of credit for gold or silver, or any species of money whatsoever, than the nominal sum thereof, in Spanish dollars, or more in the said bills for any commodities whatsoever, than the same could be purchased from the same person in gold and silver, or offer to sell any commodities for gold or silver, and refuse to sell the same for the said bills, shall be deemed an enemy to the liberties of the United States, and forfeit the property, so sold, or offered for sale." The laws which were passed by the states, for regulating the prices of labor and commodities, were found, on experiment, to be visionary and impracticable. They only operated on the patriotic few, who were disposed to sacrifice every thing in the cause of their country, and who implicitly obeyed every mandate of their rulers. Others disregarded them, and either refused to part with their commodities, or demanded and obtained their own prices.

These laws, in the first instance, made an artificial scarcity, and had they not been repealed, would soon have made a real one, for men never exert themselves, unless they have the fruit of their exertions secured to them, and at their own disposal.

The confiscation and sale of the property of tories, for the most part, brought but very little into the public treasury. The sales were generally made for credit, and by the progressive depreciation, what was dear at the time of the purchase, was very cheap at the time of payment. The most extensive mischief resulted in the progress, and towards the close of the war, from the operation of the laws, which made the paper bills a tender, in the discharge of debts contracted, payable in gold or silver. When this measure was first adopted, little or no injustice resulted from it, for at that time, the paper bills were equal, or nearly equal to gold or silver, of the same nominal sum. In the progress of the war, when depreciation took place, the case was materially altered. Laws which were originally innocent, became eventually the occasion of much injustice.

The aged, who had retired from the scenes of active business, to enjoy the fruits of their industry, found their substance melting away to a mere pittance, insufficient for their support. The widow who lived comfortably on the bequests of a deceased husband, experienced a frustration of all his well meant tenderness. The laws of the country interposed, and compelled her to receive a shilling, where a pound was her due. The blooming virgin, who had grown up, with an unquestionable title to a liberal patrimony, was legally stripped of every thing, but her personal charms and virtues. The hapless orphan, instead of receiving from the hands of an executor, a competency, to set out in business, was obliged to give a final discharge, on the payment of sixpence in the pound. In many instances, the earnings of a long life of care and diligence, were, in the space of a few years, reduced to a trifling sum. A few persons escaped these affecting calamities, by secretly transferring their bonds, or by flying from the presence or neighborhood of their debtors. The evils which resulted from the legal tender of these paper bills, were foreign from the intentions of Congress, and of the state legislatures.

It is but justice to add, farther, that a great proportion of them flowed from ignorance. Till the year 1780, when the bills fell to forty for one, it was designed by most of the rulers of America, and believed by a great majority of the people, that the whole sum in circulation, would be appreciated by a reduction of its quantity, so as finally to be equal to gold or silver. In every department of government, the Americans erred from ignorance, but in none so much, as in that which related to money.

Such were the evils which resulted from paper money. On the other hand, it was the occasion of good to many. It was at all times the poor man's friend. While it was current, all kinds of labor very readily found their reward. In the first years of the war, none were idle from want of employment, and none were employed, without having it in their power to obtain ready payment for their services. To that class of people, whose daily labor was their support, the depreciation was

no disadvantage. Expending their money as fast as they received it, they always got its full value. The reverse was the case with the rich, or those who were disposed to hoarding. No agrarian law ever had a more extensive operation, than continental money. That for which the Gracchi lost their lives in Rome, was peaceably effected in the United States, by the legal tender of these depreciating bills. The poor became rich, the rich became poor. Money lenders, and they whose circumstances enabled them to give credit, were essentially injured. All that the money lost in its value, was so much taken from their capital, but the active and industrious indemnified themselves by conforming the price of their services to the present state of the depreciation. The experience of this time inculcated on youth two salutary lessons, the impolicy of depending on paternal acquisitions, and the necessity of their own exertions. They who were in debt, and possessed property of any kind, could easily make the latter extinguish the former. Every thing that was useful, when brought to market, readily found a purchaser. A hog or two would pay for a slave; a few cattle, for a comfortable house; and a good horse, for an improved plantation. A small part of the productions of a farm, would discharge the long outstanding accounts, due from its owner. The dreams of the golden age were realized to the poor man and the debtor; but unfortunately what these gained, was just so much taken from others.

The evils of depreciation did not terminate with the war. They extend to the present hour. That the helpless part of the community were legislatively deprived of their property, was among the lesser evils, which resulted from the legal tender of the depreciated bills of credit. The iniquity of the laws estranged the minds of many of the citizens from the habits and love of justice.

The nature of obligations was so far changed, that he was reckoned the honest man, who from principle delayed to pay his debts. The mounds which government had erected, to secure the observance of honesty in the commercial intercourse of man with man, were broken down. Truth, honor, and justice, were swept away by the overflowing deluge of legal iniquity; nor have they yet assumed their ancient and accustomed seats. Time and industry have already, in a great degree, repaired the losses of property, which the citizens sustained during the war, but both have hitherto failed in effacing the taint which was then communicated to their principles, nor can its total ablution be expected till a new generation arises, unpracticed in the iniquities of their fathers.

Such was the language of that excellent patriot, Dr. David Ramsay, nearly seventy years ago. We have not altered a single word; and we venture to commend his remarks to the thoughtful consideration of those who read and profit by their country's history.

CHAPTER VII.

1780.

THE CAMPAIGN OF 1780.

Sir Henry Clinton proceeds to the south — Amount of his force — Lays siege to Charleston — Progress of the siege — Lincoln obliged to surrender — Measures of Clinton — Cornwallis's activity — Colonel Buford defeated by Tarleton — Clinton's proclamation — Unjust and impolitic — Cornwallis in command — His plans — State of things at the south — Sumpter's exploits — The people begin to recover spirit — Gates appointed by Congress to command in the south — His movements — The battle of Camden — Gates's defeat and flight — Greene appointed his successor — Cornwallis's proceedings — Ferguson defeated at King's Mountain — Sumpter's Partisan warfare — The "rebel ladies" — Patriotism of the women of those days — Lord Stirling attacks the British on Staten Island — Conduct of the officers of the Jersey line — Knyphausen's movements — Lafayette returns to America — French succors expected — Slow movements of Congress, and of the states, in furnishing quotas of troops — Washington's letter to Congress — Patriotism of the citizens of Philadelphia — Washington's embarrassments — Arrival of the French fleet — Disappointment of the commander-in-chief — The traitor Benedict Arnold — Causes which led to his treachery — André meets him — capture of André — Arnold's escape — Discovery of his treason — André's trial and condemnation — Dr. Thacher's account of the execution — Washington acknowledges the interposition of Providence — Remainder of the Campaign — Winter-quarters. Appendix to Chapter VII. — I. "The Cow Chace," by André. II. Lee's Narrative of Sergeant Champe's Adventures.

The Count D'Estaing, having departed with his fleet, as related on page 56, Sir Henry Clinton determined to undertake anew, offensive operations at the south. Leaving General Knyphausen in command at New York, Clinton embarked, at the close of December, 1779, with some seven or eight thousand men, for Savannah. He carried with him a corps of cavalry, and large supplies of military stores and provisions. The weather having proved very tempestuous, Clinton's fleet was dispersed, and suffered severely. One of the ships foundered, another was taken by the Americans, and nearly all the horses perished. On the last day of January, the scattered armament assembled at Tybee, in Georgia.

1780.

The British commander had hoped to be able to attack the capital of South Carolina, before there was time to prepare for its defence; but, the delay occasioned by refitting, on the coast of Georgia, gave the Carolinians an opportunity of providing, as far as possible, against the threatened blow. Every effort was made, on the part of General Lincoln, and Governor Rutledge, to put the city in a state of defence; but, there were so many adverse circumstances in their way,—such as, the want of troops, the unwillingness of the militia to serve, fear of the small-pox, which at the time prevailed in Charleston, deficiency of funds, failure of Congress to send a suitable reinforcement, and the like,—that it was found impossible to provide fully against the approach of the British. Some six hundred negroes were set to work, under

French engineers, and the fortifications were rendered extensive and formidable; and had Lincoln been supplied with the nine thousand men, which had been promised, and not compelled to rely on less than three thousand, there is little doubt that he could have defended Charleston against the British attack.

On the 11th of February, Clinton landed on John's Island, thirty miles south of Charleston. Had he then marched rapidly upon the city, he would probably have entered it without much opposition; but, mindful of his repulse in 1776, his progress was marked by a wary circumspection. He proceeded by the islands of St. John and St. James, while part of his fleet advanced to blockade the harbor. He sent for a reinforcement from New York, ordered General Prevost to join him with eleven hundred men from Savannah, and neglected nothing that could insure success.

Meanwhile, Governor Rutledge, with such of his council, as he could conveniently consult, was invested with a dictatorial authority, and empowered to do every thing necessary for the public good, except taking away the life of a citizen without legal trial. The Assembly, after delegating to the governor this power, till ten days after its next session, dissolved itself. Rutledge exerted himself in every possible way, to meet the present emergency, but with only partial success.

While the Americans were thus engaged, Clinton was erecting forts, and forming magazines, at proper stations, and was careful to secure his communications with these forts and the sea. All the horses brought from New York having perished on the voyage, Lieutenant-colonel Tarleton, a cavalry officer, who won for himself a name, not to be envied, was successful in obtaining, on Port Royal Island, partly by force, and partly by money, a considerable supply of horses, on which he mounted his dragoons. Thus, about the last of March, every thing was in preparation for commencing the siege of Charleston; the British army was separated from the place only by the waters of the River Ashley. 1780.

On the night of the 1st of April, Clinton broke ground eight hundred yards from the American works. The fortifications of Charleston had been constructed under the direction of Mr. Laumoy, a French engineer of reputation; and, although not calculated to resist a regular siege, were by no means contemptible: and the British general made his approaches in due form. Meanwhile, the garrison received a reinforcement of seven hundred continentals, under General Woodford; and, after this accession of strength, amounted to somewhat more than two thousand regular troops, besides one thousand militia of North Carolina, and the citizens of Charleston. Governor Rutledge made every effort to raise the militia of the province, but with little success; for not more than two hundred of them were in the capital.

Admiral Arbuthnot, on the 9th, taking advantage of a strong southerly wind, and a flowing tide, passed Fort Moultrie, and anchored just within reach of the guns of Charleston. The fort kept up a heavy fire on the fleet

while passing, which did some damage to the ships, and killed or wounded twenty-seven men. Clinton, having finished his first parallel, formed an oblique line between the two rivers, from six hundred to one thousand one hundred yards from the American works, and mounted his guns in battery. He then, jointly with the admiral, summoned General Lincoln to surrender. Lincoln's answer was modest and firm: "Sixty days," said he, "have passed since it has been known that your intentions against this town were hostile, in which time was afforded to abandon it; but duty and inclination point to the propriety of supporting it to the last extremity."

The only communication with the country was kept up by two regiments of horse, under the command of General Huger and Colonel Washington, stationed in a strong position at Monk's Corner, defended by a morass and causeway. Clinton detached Lieutenant-colonel Webster, one of his best officers, to surprise this important post. He was accompanied by Ferguson and Tarleton. Conducted by a negro, whom they had captured, about three in the morning of the 14th of April, the English came suddenly on the Americans, and made great havoc with the detachment. Huger and Washington, with difficulty, effected their escape, through the morass, by favor of the darkness. Four hundred horses, a prize of great value, fell into the hands of the British, together with a considerable amount of arms, clothing, and stores. Thus, the besieged in Charleston, were entirely inclosed, and the surrounding country was overrun by the enemy.

An evacuation of the city having become next to impossible, Lincoln, on the 20th of April, offered to capitulate on certain terms, which were rejected by Clinton. Fort Moultrie, on the 7th of May, surrendered without firing a gun; and the city was now completely invested. All hopes of assistance had been cruelly disappointed; and the garrison and inhabitants were left to their own resources. The troops, exhausted by incessant duty, were insufficient to man the lines. Many of the guns were dismounted, the shot nearly expended, and the bread and meat almost entirely consumed. The works of the besiegers were pushed very near the defences of the town, and the issue of an assau was extremely hazardous to the garrison and inhabitants. In these critical circumstances, General Lincoln summoned a council of war, which recommended a capitulation. Terms were accordingly proposed, offering to surrender the town and garrison, on condition that the militia and armed citizens should not be prisoners of war, but should be allowed to return home without molestation. These terms were refused; hostilities recommenced, and preparations for an assault were in progress. The citizens, who had formerly remonstrated against the departure of the garrison, now became clamorous for a surrender. In this hopeless state, General Lincoln offered to give up the place, on the terms which Clinton had formerly proposed. The offer was accepted; and the capi- 1779.

tulation was signed on the 12th of May.

The town and fortifications, the shipping, artillery, and all public stores, were to be given up as they then were; the garrison, consisting of the continental troops, militia, sailors, and citizens who had borne arms during the siege, were to be prisoners of war; the garrison were to march out of the town, and lay down their arms in front of the works, but their drums were not to beat a British march, and their colors were not to be uncased; the continental troops and sailors were to be conducted to some place afterwards to be agreed on, where they were to be well supplied with wholesome provisions till exchanged; the militia were to be allowed to go home on parole; the officers were to retain their arms, baggage, and servants, and they might sell their horses, but were not permitted to take them out of Charleston; neither the persons nor property of the militia or citizens were to be molested so long as they kept their parole. General Lincoln was also to have liberty to send a ship to Philadelphia with his dispatches.

Thus, after a siege of forty days, the capital of South Carolina fell into the hands of the British. Seven general officers, ten continental regiments, much thinned, it is true, and three battalions of artillery, prisoners of the enemy, gave signal importance to their victory: the whole number of men in arms who were taken, was estimated at over five thousand. Four hundred pieces of artillery, of every sort, were the prey of the victors, with no small quantity of powder, balls and bombs: three stout American frigates and two French vessels, augmented the value of the conquest. General Lincoln was much censured in consequence of what had happened; but, we think, unjustly, for, under the circumstances he could not well have done otherwise than he did. Had he received proper and prompt assistance, the result, no doubt, would have proved very different.

No sooner had Clinton taken possession of Charleston, than he hastened to take all those measures, civil as well as military, which were judged proper for the re-establishment of order; he then made his dispositions for recovering the rest of the province, where every thing promised to anticipate the will of the victor. Determined to follow up his success, before his own people should have time to cool, or the enemy to take breath, he planned three expeditions: one towards the River Savannah, in Georgia; another upon Ninety-Six, beyond the Saluda, both with a view to raise the loyalists, very numerous in those parts; the third was destined to scour the country between the Cooper and Santee, in order to disperse a body of republicans, who, under the conduct of Colonel Buford, were retiring by forced marches towards North Carolina. All three were completely successful; the inhabitants flocked from all parts to meet the royal troops, declaring their desire to resume their ancient allegiance, and offering to defend the royal cause with arms in hand. Many even of the inhabitants of Charleston, excited by the proclamations of the British general, manifested a like zeal

to combat under his banners. Lord Cornwallis, after having swept the two banks of the Cooper and passed the Santee, made himself master of Georgetown. Such was the devotion, either real or feigned, of the inhabitants towards the king; such was their terror, or their desire to ingratiate themselves with the victor, that not content with coming in from every quarter to offer their services, in support of the royal government, they dragged in their train as prisoners, those friends of liberty, whom they had lately obeyed with such parade of zeal, and whom they now denominated their oppressors.

1780.

Meanwhile, Colonel Buford continued his retreat with celerity, and it appeared next to impossible that he should be overtaken. Tarleton, nevertheless, offered to attempt the enterprise, promising to reach him. Cornwallis put under his command for this object, a strong corps of cavalry, with about a hundred light infantry mounted on horseback. His march was so rapid, that on the 28th of May, he arrived at Camden, where he learned that Buford had departed the preceding day, and that he was pushing on with extreme speed, in order to join another body of troops on the march from North Carolina. Tarleton saw the importance of preventing the junction of these two corps; accordingly, notwithstanding the fatigue of men and horses, many of these having already dropped dead with exhaustion, notwithstanding the heat of the season, he redoubled his pace, and at length, after a march of one hundred and five miles in fifty-four hours, at a place called Waxhaws, came up with the object of his pursuit. He summoned the Americans to throw down their arms: the latter answered with spirit, that they were prepared to defend themselves. Colonel Buford drew up his troops in order of battle; they consisted of four hundred Virginia regulars, with a detachment of horse. He formed but one line, and ordered his artillery and baggage to continue their march in his rear, without halting: his soldiers were directed to reserve their fire till the British cavalry had approached within twenty yards. Tarleton lost no time in preparation, but charged immediately. The Americans gave way, after a faint resistance; the British pursued them with vigor, and the carnage was dreadful. Their victory was complete; all that were not killed on the spot, were wounded and taken. Such was the rage of the victors, that they massacred many of those who offered to surrender. The Americans remembered it with horror, and *Tarleton's quarter* became a significant term of the savage kind of warfare carried on at the time. Every thing fell into the hands of the British, and Tarleton rejoined Cornwallis, at Camden. He was greatly praised by his lordship for what he had done.

For the purpose of securing the entire submission of that part of the country, bodies of troops were stationed at different points, and measures were taken for settling the civil administration of the state. Clinton was so fully convinced of the subjugation of the country, and of the submission of the inhabitants, or of their inability to resist,

that, on the 3d of June, he issued a proclamation, in which, after stating that all persons must take an active part in settling and securing his majesty's government, and in delivering the country from that anarchy which for some time had prevailed, he undertook to discharge from their parole, the militia who were prisoners, except those only who had been taken in Charleston and Fort Moultrie, and restore them to all the rights and duties of citizens; having done this, he went on to declare, that such as should neglect to return to their allegiance, should be treated as enemies and rebels.

This proclamation was unjust and impolitic; proceeding on the supposition that the people of those provinces were subdued rebels, restored by an act of clemency to the privileges and duties of citizens, it ignored the fact that for several years they had been exercising an independent authority, and that the issue of the war only could stamp on them the character of patriots or rebels. It might easily have been foreseen, that the proclamation would awaken the resentment, and alienate the affections of those to whom it was addressed. Many of the colonists had submitted, in the fond hope of being released, under the shelter of the British government, from that harassing service to which they had lately been exposed,

1780. and of being allowed to attend to their own affairs in a state of peaceful tranquillity; but the proclamation dissipated this delusion, and opened their eyes to their real situation. Neutrality and peace were what they desired; but neutrality and peace were denied them. If they did not range themselves under the standards of their country, they must, as British subjects, appear as militia in the royal service. The colonists sighed for peace; but, on finding that they must fight on one side or the other, they preferred that of liberty, and thought, not unnaturally, they had as good a right to violate the allegiance and parole which Clinton had imposed on them, as he had to change their state from that of prisoners, to that of British subjects, without their consent.

Clinton, having, as he supposed, established the tranquillity of the south, left Lord Cornwallis, with about four thousand men, in South Carolina and Georgia, and, on the 4th of June, embarked for New York. Clinton had purposed carrying his arms into the neighboring states, but news from the north, of probable French succors to the Americans, made him uneasy, and he judged it best to return to New York, with the larger part of his army.

After the reduction of Charleston, and the entire defeat of all the American detachments in those parts, an unusual calm ensued for six weeks. Zealous in the cause of his sovereign, and imagining that South Carolina and Georgia were reannexed to the British empire, in sentiment, as well as in appearance, Lord Cornwallis meditated an attack on North Carolina. Impatient, however, as that active officer was of repose, he could not carry his purpose into immediate execution. The great heat, the want of magazines, and the impossibility of subsisting his army in the field, before harvest, compelled him

to pause. But the interval was not lost. He distributed his troops in such a manner in South Carolina and the upper parts of Georgia, as seemed most favorable to the enlistment of young men, who could be prevailed on to join the royal standard; he ordered companies of royal militia to be formed; and he maintained a correspondence with such of the inhabitants of North Carolina as were friendly to the British cause. He informed them of the necessity he was under of postponing the expedition into their country, and advised them to attend to their harvest, and to remain quiet, till the royal army advanced to support them. Eager, however, to manifest their zeal, and entertaining sanguine hopes of success, they disregarded his salutary advice, and broke out into premature insurrections, which were vigorously resisted, and generally suppressed. One party of them, however, amounting to eight hundred men, under Colonel Bryan, succeeded in marching down the Yadkin, to a British post at the Cheraws, and afterwards reached Camden.

While Cornwallis was following out the plans of his superiors, vainly supposing that insults and outrage, and the despotism of military rule, would break down the spirit of the Americans, they themselves were not idle. Gover-

1780. nor Rutledge was actively at work. North Carolina ordered a large body of militia to take the field. Congress directed a detachment from the main army to march to the south. And many of the people, regretting now that they had looked on with apathy, while Charleston was besieged, determined to rouse themselves to resist and expel the invaders.

The haughtiness of the British officers increased, and the insolent tyranny of these and the tories, stirred up a longing desire for revenge. Sad, indeed, is the picture which an able writer has drawn, of the internal condition of affairs at this date, in the southern states. "With dispositions as fell and vindictive as all the sanguinary passions could render them, neighbor was reciprocally arrayed against neighbor, brother against brother, and even father against son. Neither in the darkness of the night, the enclosures of dwelling-houses, the depths of forests, nor the entanglements of the swamps and morasses of the country, was security to be found. Places of secrecy and retreat, being known alike to both parties, afforded no asylum; but were oftentimes marked with the most shocking barbarities. The murderer in his ambush, and the warriors in their ambuscade, being thus in the daily perpetration of deeds of violence and blood, travelling became almost as dangerous as battle. Strangers, of whom nothing was known, and who appeared to be quietly pursuing their journey, were oftentimes shot down, or otherwise assassinated, in the public road. Whole districts of country resembled our frontier settlements during the prevalence of an Indian war. Even when engaged in their common concerns, the inhabitants wore arms, prepared alike for attack or defence. But this was not all. The period was marked with another source of slaughter, which added not a little to its fatal character.

Participating in the murderous spirit of the times, slaves, that were in many places numerous and powerful, rose against their masters, armed with whatever weapon of destruction accident or secret preparation might supply. In these scenes of horror, the knife, the hatchet, and the poisoned cup were indiscriminately employed. Some whole families were strangled by their slaves, while, by the same hands, others were consumed amid the blaze of their dwellings in the dead of night. These dispositions in the population generally, inflamed by the ardor, and urged by force, of southern passions, were sublimed to a pitch, to which the more temperate people of the north were strangers."*

Under such a state of things, the contest was carried on at the south; and numerous instances occurred of the savage and unpitying spirit by which both sides were often actuated. We cannot here enter into details; but must refer to the local histories for the particulars.

Colonel Sumpter, the distinguished partisan, was the first to take the field with any success. On the 12th of July, he routed a detachment of the royal forces at Williamson's Plantation. Sumpter soon collected together a party of some six hundred men; and although they were compelled to trust to chance for their means of subsistence, and to use their implements of husbandry for weapons of war, yet they menaced the enemy in all directions. The resources of these patriots were few. In some instances they were known to encounter the enemy with but three charges of ammunition to a man. Their frequent skirmishes with the British, however, soon furnished them with muskets and cartridges; and when thus equipped, Colonel Sumpter determined upon attacking some of the strong posts of the enemy. His first attempt was upon Rocky Mount, where he was obliged to retreat; he then attacked the post at Hanging Rock, and destroyed a British regiment stationed at that place.

1780.

Francis Marion also, a name worthy of perpetual esteem, was equally active and successful. His exploits, while seeming to wear the air of romance, were of the greatest possible value to the depressed cause of liberty.* The "Swamp Fox," as Marion was termed, and the "Gamecock," as Sumpter was called, being perfectly acquainted with every part of the country, were enabled to elude all pursuit. This partisan warfare, while it weakened the number of the English, emboldened the Americans, and strengthened their confidence in themselves.

In the meantime, a few regular troops under the command of the Baron De Kalb, had been sent from Maryland to the defence of Carolina. Owing to the excessive heat of the season, and the

* Caldwell's "*Life and Campaigns of General Greene*," pp. 102, 3.

* It is of Marion that the interesting story is told, of his being visited by a young English officer on official business, and his impressing upon the mind of the Englishman by what he saw, that men who could eat sweet potatoes and drink water, for the cause of liberty, were not to be conquered. See the story as told by Mr. Simms, in his "*Life of General Marion*," pp. 176—80.

difficulty of procuring provisions, they necessarily proceeded by slow marches. On their way, however, they were reinforced by the Virginia militia, and the troops of North Carolina, commanded by General Caswell. The people generally began to recover from the depressing effect of the fall of Charleston, and the severe measures of the British; and it was not long before Cornwallis discovered, that past victories and successes were unavailing, and that the work of subduing the country yet remained to be accomplished. He was obliged to call in his outposts, and to form his troops into larger bodies.

Washington was desirous that General Greene, an officer of superior talents, should be sent to take command at the south; but the brilliant reputation acquired by General Gates, in the northern campaign of 1777, led to his being appointed by Congress, June 13th, to the command of the southern forces. It was confidently expected that he would reap new laurels in conducting operations in Carolina; with what unlooked for result the reader will presently see.

Gates, on the 25th of July, joined the army at Deep River. De Kalb, following the suggestion of those well acquainted with the country, had resolved to turn out of the direct road to Camden, in order that he might lead his troops through a more plentiful country, and for the purpose of establishing magazines and hospitals at convenient points. Gates, however, determined to pursue the straight route towards the British encampment, although it lay through a barren country, which afforded but a scanty subsistence to its inhabitants. On the 27th of July, he put his army in motion, and soon experienced the difficulties and privations which De Kalb had been desirous to avoid. The army was obliged to subsist chiefly on lean cattle, accidentally found in the woods; and the supply even of that mean food was very limited. Meal and corn were so scarce that the men were compelled to use unripe corn and peaches instead of bread. That insufficient diet, together with the intense heat and unhealthy climate, engendered disease, and threatened the destruction of the army. General Gates at length emerged from the inhospitable region of pine barrens, sand hills, and swamps, and arrived at Clermont, or Rugely's Mills, on the 13th of August. His whole force now amounted to something less than four thousand men. 1780.

On reaching the frontiers of the state, Gates issued a proclamation inviting the patriotic citizens "to join heartily in rescuing themselves and their country from the oppression of a government imposed upon them by the ruffian hand of conquest." He gave assurances of pardon to all from whom oaths had been extorted by the British, excepting only those who had committed depredations against the persons and property of their fellow citizens. His proclamation had the desired effect. Numbers flocked to him, and even whole companies, which had taken service under the royal standard, deserted to Gates.

Lord Rawdon, who had command of

the British forces on the frontiers of Carolina, had concentrated them at Camden. Immediately on learning the approach of the Americans, he gave notice to Cornwallis, who soon after joined him. As the whole country seemed to be rising, and as Camden was not a place which his lordship could continue to hold, in such a condition of things, he felt it necessary to retreat, or strike a decisive blow at once. A retreat to Charleston would be the signal for the whole of South Carolina and Georgia to rise in arms: his sick and magazines must be left behind; and the whole of the two provinces, except Charleston and Savannah, abandoned. The consequences of such a movement would be nearly as fatal as a defeat. Cornwallis, therefore, although he believed the American army considerably stronger than what it really was, determined to hazard a battle; and, at ten at night, on the 15th of August, the very hour when General Gates proceeded from Rugely's Mills, about thirteen miles distant, he marched towards the American camp.

About two in the morning of the 16th of August, the advanced guards of the hostile armies unexpectedly met in the woods, and the firing instantly began. Some of the cavalry of the American advanced guard being wounded by the first discharge, the party fell back in confusion, broke the Maryland regiment which was at the head of the column, and threw the whole line of the army into consternation. From that first impression, deepened by the gloom of night, the raw and ill-disciplined militia seem not to have recovered. In the rencounter several prisoners were taken on each side; and from them the opposing generals acquired a more exact knowledge of circumstances than they formerly possessed.

Cornwallis perceiving that the advantage of position was on his side, impatiently waited for the morning light, which would give his disciplined troops opportunity to act. Both armies prepared for the conflict. Cornwallis formed his men in two divisions, Colonel Webster commanding on the right, and Lord Rawdon on the left. The second Maryland brigade, under General Gist, formed the right of the American line; the North Carolina militia occupied the centre; and the Virginia militia, with the light infantry, composed the left. De Kalb commanded on the left, and Gates determined to appear wherever he could be most useful.

At dawn of day, Cornwallis ordered Colonel Webster, with the British right wing, to attack the American left. As Colonel Webster advanced, he was assailed by a desultory discharge of musketry from some volunteer militia, who had advanced in front of their countrymen; but the British soldiers, rushing through that loose fire, charged the American line with a shout. 1780. The militia instantly threw down their arms and fled, many of them without even discharging their muskets; and all the efforts of the officers were unable to rally them. A great part of the centre division, composed of the militia of North Carolina, imitated the example of their comrades of Virginia: few of either division fired a shot, and still fewer carried their arms off the

field. Tarleton, with his legion, pursued, and eagerly cut down the unresisting fugitives. Gates, with some of the militia general officers, made several attempts to rally them, but in vain. The farther they fled, the more they dispersed, and Gates, in despair, hastened, with a few friends, to Charlotte, eighty miles from the field of battle.

Baron de Kalb, at the head of the continental troops, being abandoned by the militia, which had constituted the centre and left wing of the army, and being forsaken by the general also, was exposed to the attack of the whole British army. De Kalb and his troops, however, instead of imitating the example of their brethren in arms, behaved with a steady intrepidity, and defended themselves like men. Lord Rawdon attacked them about the time when Colonel Webster broke the left wing; but the charge was firmly received and manfully resisted, and the conflict was maintained for some time with equal obstinacy on both sides. The American reserve covered the left of De Kalb's division; but its own left flank was entirely exposed by the flight of the militia; and therefore Colonel Webster, after detaching some cavalry and light troops in pursuit of the fugitive militia, with the remainder of his division, attacked them at once, in front and flank. A severe contest ensued. The Americans, in a great measure intermingled with the British, maintained a desperate conflict. Cornwallis brought his whole force to bear upon them; they were at length broken, and began to retreat in confusion. The brave De Kalb, while making a vigorous charge at the head of a body of his men, fell, pierced with eleven wounds. His aid-de-camp, Lieutenant-colonel du Buisson, embraced the fallen general, announced his rank, and nation, to the surrounding enemy, and while thus generously exposing his own life, to save his bleeding friend, he received several wounds, and was taken prisoner with him. De Kalb met with all possible attention and assistance from the victorious enemy, but that gallant officer expired in a few hours. Congress afterward ordered a monument to be erected to his memory.*

This decisive victory cost the British less than a hundred killed, and about two hundred and fifty wounded. Some eight or nine hundred of the Americans were killed or wounded, and about a thousand were taken prisoners. The baggage, and artillery, fell into the hands of the conquerors. The army of the south was utterly broken up, except the detachment under Sumpter, who had intercepted a convoy on the Wateree, and made two hundred prisoners; but, on hearing of the disastrous battle of Camden, retreated with the utmost speed. Supposing himself out of danger, Sumpter halted to recruit his troops, worn down with fatigue and loss of sleep, when Tarleton burst into the camp, having carried on the pursuit with such fearful rapidity, that half his men broke down upon the road. The stores and prisoners were recovered; some three or four hundred of the

* See Lossing's "*Pictorial Field-Book of the Revolution*," vol. ii., pp. 667–8.

Americans were slaughtered or captured; a few, among whom was Sumpter himself, were fortunate enough to escape into the woods.

Gates, in deep distress, with the scattered remnants of his army, retreated to Salisbury, and thence to Hillsborough, making every effort in his power, to recover from the terrible blow which he had just received. Having collected a small force, he advanced again, in November, to Salisbury, and soon after, to Charlotte. In his misfortunes, Congress forgot, or ignored, the high estimate which they had previously set upon the victor at Saratoga; on the 5th of October, an inquiry was ordered into his conduct, which was not, however, pressed; and Washington was requested to name his successor. He named General Greene, who was approved by Congress, on the 30th of October, and reached head-quarters, as Gates's successor, on the 2d of December. This latter officer, we may mention, left his post, never again to resume active duty in the army. Suffering acutely from the disgrace of his defeat, but still more from the loss of his only son, about nineteen years of age, Gates set out for the north. Washington, with true and generous kindness, wrote him a letter of sympathy on the death of his son, and his military reverses; and the Virginia legislature assured him, in a resolve of that body, "that the remembrance of his former glorious service could not be obliterated by any reverse of fortune."

After the battle of Camden, Cornwallis was unable to follow up the victory with his usual activity. His little army was diminished by the sword and by disease. He had not brought with him from Charleston the stores necessary for an immediate pursuit of the fleeing enemy; and he did not deem it expedient to leave South Carolina, till he had suppressed that spirit of resistance to his authority which had extensively manifested itself in the province. In order to consummate, as he thought, the subjugation of the state, he resorted to measures of great severity. He considered the province as a conquered country, reduced to unconditional submission, and to allegiance to its ancient sovereign, and the people liable to the duties of British subjects, and to corresponding penalties, in case of a breach of those duties. He forgot, or seemed to forget, that many of them had been received as prisoners of war on parole; that, without their consent, their parole had been discharged; and that, merely by a proclamation, they had been declared British subjects, instead of prisoners of war.

Supposing that the whole country was prostrate at his feet, he addressed the following letter to the commandant of the British garrison at Ninety Six:— "I have given orders, that all the inhabitants of this province, who had submitted, and who have taken part in this revolt, should be punished with the utmost rigor; that they should be imprisoned, and their whole property taken from them or destroyed. I have likewise directed that compensation should be made out of these estates, to the persons who have been injured or oppressed by them. I have ordered, 1780.

in the most positive manner, that every militia-man, who has borne arms with us, and afterwards joined the enemy, shall be immediately hanged. I desire you will take the most vigorous measures to punish the rebels in the district you command, and that you obey, in the strictest manner, the directions I have given in this letter relative to the inhabitants of the country." Similar orders were dispatched to the commanders of other posts.

In any circumstances, such orders given to officers, often possessing little knowledge, and as little prudence or humanity, could not fail to produce calamitous effects. In the case under consideration, where all the worst passions of the heart were irritated and inflamed, the consequences were lamentable. The orders were executed in the spirit in which they were given. Numbers of persons were put to death: many were imprisoned, and their property was destroyed or confiscated. The country was covered with blood and desolation, and the people longed for revenge. Women and children were turned to the door, and their houses and substance consumed.

Apart from the injustice of such proceedings, nothing could have been more impolitic, for it roused the people, and nerved them to exertions, which otherwise they never would have made. Cornwallis's conduct towards the principal citizens of Charleston, was disgraceful in the extreme; for, without any excuse, but motives of policy, they were seized in their beds, put on board a guard ship, and their remonstrances treated with insolence; and soon after they were transported to St. Augustine.

On the 8th of September, Cornwallis left Camden, and towards the end of the month, arrived at Charlotte, in North Carolina; of which place, he took possession, after a slight resistance from some volunteer cavalry, under Colonel Davie. Though symptoms of opposition manifested themselves at Charlotte, yet he advanced towards Salisbury, and ordered his militia to cross the Yadkin. But Cornwallis was suddenly arrested in his victorious career, by an unexpected disaster. He made every exertion to embody the well-affected inhabitants of the country, and to form them into a British militia. For that purpose, he employed Major Ferguson, of the seventy-first regiment, an officer of much merit, with a small detachment, in the district of Ninety-Six, to train the loyalists, and to attach them to his own party. From the operations of that officer, he expected the most important services.

Ferguson executed his commission with activity and zeal; collected a large number of loyalists; and committed great depredations on the friends of independence in the back settlements. In the hope of intercepting Colonel Clarke, who was retreating from an attack on Augusta, in Georgia, Ferguson was tempted to stay in the vicinity of the western mountains longer than was necessary. In the end, this delay was his ruin. The hardy mountaineers of the western parts of Virginia and North Carolina, determined that Ferguson should be cut off. They assembled under various leaders, voluntarily,

and without any concert. Other parties hastened to join them. They were all mounted, and unencumbered with baggage. Each man had his blanket, knapsack, and rifle; and set out in quest of the enemy, equipped in the same manner as when they hunted the wild beasts of the forest. At night, the earth afforded them a bed, and the heavens a covering; the flowing stream quenched their thirst; their guns, their knapsacks, or a few cattle driven in their rear, supplied them with food. Their numbers made them formidable, and the rapidity of their movements rendered it difficult to escape them. They reached Gilbertown, early in October, in number nearly three thousand men. 1780.

Ferguson attempted to retreat, but the Americans resolved never to permit him to escape. Selecting a thousand of their best riflemen, they mounted them on their fleetest horses, and sent them in pursuit. Their rapid movements rendered his retreat impracticable; and Ferguson, sensible that he would inevitably be overtaken, chose his ground on King's Mountain, on the confines of North and South Carolina, and waited the attack.

On the 7th of October, the Americans came up with him. Colonel Campbell had the command; but his authority was only nominal, for there was little military order or subordination in the attack. They agreed to divide their forces, in order to assail Ferguson from different quarters; and the divisions were led on by Colonels Cleveland, Shelby, Sevier, and Williams. Cleveland, who conducted the party which began the attack, addressed his men as follows:—"My brave fellows! we have beaten the tories, and we can beat them. When engaged, you are not to wait for the word of command from me. I will show you by my example how to fight; I can undertake no more. Every man must consider himself an officer, and act on his own judgment. Though repulsed, do not run off; return, and renew the combat. If any of you are afraid, you have not only leave to withdraw, but are requested to do so."

The attack commenced immediately, and climbing the rugged ascent, they posted themselves behind rocks and trees, and kept up a galling fire upon the British. Again and again, the bayonet of the British drove them back; but the Americans as often renewed the attack. Assaulted from various quarters, for nearly an hour, Ferguson fell mortally wounded, and the rest threw down their arms. Ten of the most obnoxious of the tories were hanged on the spot, and these brave, but rude warriors, having achieved their victory, and accomplished their object, returned home.

The ruin of Ferguson's detachment, from which so much had been expected, was a very severe blow to Cornwallis: it disconcerted his plans, and prevented his progress northward. On the 14th of October, as soon after obtaining certain information of the death of Ferguson, as the army could be put in motion, he left Charlotte, where Ferguson was to have met him, and began his retreat towards South Carolina. In that retrograde move- 1780.

ment the army suffered severely: for several days it rained incessantly; the roads were almost impassable; the soldiers had no tents, and at night encamped in the woods in an unhealthy climate. The loyalists who had joined the royal standard, were very useful; but their services were ill requited, and several of them, disgusted by the abusive language, and even blows, which they received from some of the officers, left the army forever. At length the troops passed the Catawba, and reached Wynnsborough, on the 29th of October.

Sumpter, who had got together again a bold band of partisan warriors, continued to harass the British on all sides. Varying his position from time to time, he beat up the British quarters, intercepted their convoys, and kept them in constant alarm. Major Wemyss attacked him at Broad River, on the 12th of November, but was defeated. On the 20th, Tarleton fell impetuously on Sumpter, at Blackstock Hill; he also was defeated with great loss. Sumpter was wounded, and disabled for some months, in consequence.

In concluding the account of the southern campaign of 1780, we must not forget to make honorable mention of the heroic mothers, wives, and daughters of the south. The women of Carolina gloried in being called "rebel ladies." They refused to be present at festive entertainments. They specially delighted to honor their patriotic countrymen. They sought out and relieved the suffering soldiers, visited the prison-ships, and descended into loathsome dungeons. Sisters encouraged their brothers to fight for liberty; the mother gave weapons to her son, and the wife to her husband; and their parting words were, "Prefer prisons to infamy, and death to servitude."

In all parts of the country likewise, the women displayed great zeal and activity, particularly in providing clothing for the soldiers. In Philadelphia they formed a society, at the head of which was Martha Washington, wife of the commander-in-chief. This lady was as prudent in private affairs, as her husband was in public. She alone presided over their domestic finances, and provided for their common household. Thus it was owing to the talents and virtues of his wife, that Washington could give himself wholly to the dictates of that patriotism, which this virtuous pair mutually shared, and reciprocally invigorated. Mrs. Washington, Mrs. Reed, Mrs. Bache, the daughter of Dr. Franklin, with the other ladies who had formed the society, themselves subscribed considerable sums for the public; and having exhausted their own means, they exerted their influence, and went from house to house, to stimulate the liberality of others.

Having, for the sake of preserving the continuity of the narrative, carried forward the history of operations at the south, to the end of 1780, we now turn our attention to the northern states, where, during the year, events of momentous importance had occurred.

Although Washington was unable to undertake any enterprise of importance in consequence of the want of supplies for the army, yet he was by no means

idle. Supposing that the British post on Staten Island might be attacked with reasonable prospect of success, he dispatched Lord Stirling, on the 14th of January, with twenty-five hundred men, on this expedition. The British officer in command was on the alert, and an alarm was instantly and generally communicated to the posts, and a boat dispatched to New York to communicate intelligence, and to solicit aid. The Americans, after some slight skirmishes, seeing no prospect of success, and apprehensive that a reinforcement from New York might endanger their safety, very soon commenced their retreat. This was effected without any considerable loss; but from the severity of the weather, and the deficiency of warm clothing, several of the soldiers suffered intensely from the cold and frost. **1780.**

The paper money was daily depreciating, and the distresses arising from this source, reached their height in 1780. The officers of the Jersey line complained in strong terms to the legislature of their state, of the deplorable condition to which they were reduced, and declared, that "unless a speedy and ample remedy was provided, the total dissolution of their line was inevitable." Similar causes of discontent existed among the soldiers. Multiplied and continual privations produced their natural result; and it required all the influence of Washington, great as it was, to prevent the officers from resigning in numbers, and the troops from breaking out into mutinous complaints and disorderly conduct.

Induced, probably, by the reports of the mutinous disposition of a part of the army, and thinking it likely that the American soldiers might be led to abandon their standards, and the people to give up the cause of liberty, General Knyphausen, early in June, passed over from Staten Island, to Elizabethtown, with five thousand men. Halting at Connecticut Farms, and atrociously murdering Mrs. Caldwell, the wife of the Presbyterian minister of the place, and destroying the village, the British soon found it expedient to retreat. The militia assembled under General Maxwell; several smart skirmishes ensued, particularly at Springfield, and the enemy retired to Staten Island. The precise object of this expedition was not very evident; but whether it was intended to divert Washington's attention, while a more formidable force should suddenly push for an attack on the Highlands, or whether the object was to fall upon the stores at Morristown, was not material. The commander-in-chief made his arrangements for either contingency, and watched unceasingly the movements of Clinton. **1780.**

The first months of the year were spent in these desultory operations. The disasters at the south, produced no disposition in the north, to give up the contest; but the tardiness of Congress, and of the states; the weakness and inefficiency of the government; and the depreciation of the money, deprived Washington of all means of attempting any thing beyond defensive operations.

Lafayette, meanwhile, towards the end of April, arrived at Boston, from

France, bringing the good news, that efficient succors might soon be expected on the coast of the United States.* This served to rouse, for a time, the Americans, from the lethargy into which they had sunk. Requisitions on the states for men and money, were urged with great earnestness. Washington employed his pen effectively, in stimulating the public mind to exertions, suitable to meet the present condition of things, and to act in concert with their allies, on their arrival. The resolutions of Congress were slowly executed. The quotas of the states were apportioned out to the counties and towns, and it was hoped that the number would speedily be ready for the service.

Washington, however, with that large comprehensiveness of view, which fitted him for being commander-in-chief, foreseeing that the predominance of state systems, over those which were national, must be injurious, took occasion, in writing to a member of Congress, to say, "that, unless Congress speaks in a more decisive tone; unless they are vested with powers by the several states competent to the great purposes of the war, or assume them as matter of right, and they and the states respectively, act with more energy than hitherto they have done; our cause is lost. We can no longer drudge on in the old way. By ill-timing the adoption of measures; by delays in the execution of them, or by unwarrantable jealousies, we incur enormous expenses, and derive no benefit. One state will comply with a requisition from Congress; another neglects to do it; a third executes it by halves; and all differ in the manner, the matter, or so much in point of time, that we are always working up hill; and while such a system as the present one, or rather want of one, prevails, we ever shall be unable to apply our strength or resources to any advantage. This, my dear sir, is plain language to a member of Congress; but it is the language of truth and friendship. It is the result of long thinking, close application, and strict observation. I see one head gradually changing into thirteen; I see one army branching into thirteen, and, instead of looking up to Congress, as the supreme controlling power of the United States, considering themselves as dependent on their respective states. In a word, I see the power of Congress declining too fast for the consequence and respect which are due to them, as the great representative body of America, and am fearful of the consequences."

In the midst of these embarrassing trials, some relief was obtained from private sources. When Congress could command neither money nor credit, the citizens of Philadelphia formed an association, to procure a supply of necessary articles for their suffering soldiers. The sum of $300,000 was subscribed in a few days, and the relief afforded in this way was great, and particularly season-

* The enthusiasm and importunity of Lafayette in behalf of his adopted country, were so great, that the French prime minister, Count de Maurepas, said, one day, rather sarcastically, in council: "It is fortunate for the king, that Lafayette does not take it into his head to strip Versailles of its furniture, to send to his dear Americans; as his Majesty would be unable to refuse it." Not content with these public succors, he generously expended large sums of his private fortune, in providing swords and appointments for the corps placed under his command.

able. But there was still great deficiency, especially in the article of shirts, and Washington was called on to express his sorrow at the fact, and his hope, that the troops and officers would not be compelled to the mortification of meeting the allied French force, while in this destitute condition.

Could it have been imagined, however, as Botta well says, that at the very moment, when a victorious enemy still threatened the existence of the republic, our fathers did not rest content with offering their blood and their treasure for its defence? Amidst the din of arms, they were studious to promote the advancement of philosophy, science and the arts. They reflected, that without the aid of these lights, war tends directly to barbarism, and even peace is deprived of its most precious sweets. In devoting their attention to these noble cares, they regarded not merely the advantages that were thence to redound to their country; they had also in view to demonstrate, at home and abroad, what was their contempt for the danger, and their confidence in the success of their cause. Such were the considerations which led to the incorporation, by the legislature of Massachusetts, of the American Academy of Arts and Sciences. Its statutes corresponded to the importance of the institution. Its labors were principally to be directed to facilitate and encourage a knowledge of the antiquities and natural history of America; to ascertain the uses to which its native productions might be applied; to promote medical discoveries, mathematical inquiries, physical researches and experiments, astronomical, meteorological and geographical observations; improvements in the processes of agriculture, arts, manufactures and commerce; the Academy was, in brief, to cultivate every art and science, that could tend to advance, according to its own language, "the interests, the honor, the dignity, and the happiness of a free, independent, and virtuous people."

The summer was now far advanced, and Washington, still uncertain, as to the force on which he could rely for active operations, wrote a letter to Congress, expressive of his embarrassments: "The season is come," said he, "when we have every reason to expect the arrival of the fleet; and yet for want of this point of primary consequence, it is impossible for me to form a system of co-operation. I have no basis to act upon, and of course, were this generous succor of our ally now to arrive, I should find myself in the most awkward, embarrassing, and painful situation. The general and the admiral, as soon as they approach our coast, will require of me a plan of the measures to be pursued, and there ought of right to be one prepared; but circumstanced as I am, I cannot even give them conjectures. From these considerations, I yesterday suggested to the committee* the indispensable necessity of their writing again to the states, urging them to give immediate and precise information of the measures they have taken, and of the result. The interest of the states, the

* A Committee of Congress, General Schuyler being one of the members, spent some two or three months in camp at this date, to take measures for securing the aid and relief which were so largely needed.

honor and reputation of our councils, the justice and gratitude due to our allies; all require that I should, without delay, be enabled to ascertain and inform them, what we can or cannot undertake. There is a point which ought now to be determined, on the success of which all our future operations may depend; on which, for want of knowing our prospects, I can make no decision. For fear of involving the fleet and army of our allies in circumstances which would expose them, if not seconded by us, to material inconvenience and hazard, I shall be compelled to suspend it, and the delay may be fatal to our hopes."

On the 10th of July, the French fleet entered the harbor of Newport. The fleet was commanded by the Chevalier de Ternay, and the army by the Count de Rochambeau. With wise precaution, the entire force was placed under Washington's direction, and the French troops were to act as auxiliaries, and to yield precedence to the Americans, thus preventing any possible jealousy or dissatisfaction which might otherwise arise. It was now Washington's earnest wish to make an attack upon New York, by the combined forces, and a plan to that effect was drawn up, and conveyed by Lafayette, to the French commander. Early in August, the French troops were to join the American army at Morrisania, and would have done so, had not the arrival of Admiral Graves reinforced the British naval force at New York, and thereby deprived the French of that superiority in this particular, which was essential to the carrying out of the plan proposed.

1780.

The British now determined to attack the French at Newport, and Clinton embarked about eight thousand of his best men, to co-operate with the fleet against the French force in Rhode Island. Fearing, from Washington's movements, that New York might be attacked meanwhile, Clinton proceeded no further than Huntington Bay, on Long Island, and returned hastily to the city. The French fleet, in a state of blockade, were unable to render aid to the Americans. Hopes were, however, entertained, that, by the arrival of another fleet, then in the West Indies, under the command of Count de Guichen, the superiority would be so much in favor of the allies, as to enable them to prosecute their original intention of attacking New York. When the expectations of the Americans were raised to the highest pitch, and when they were in great forwardness of preparation, to act in concert with the French, intelligence arrived, that Count de Guichen had sailed for France. The disappointment was mortifying and trying in the extreme.

Washington still adhered to his purpose of attacking New York, at the first favorable opening. On this subject, he corresponded with the French commanders, and held a personal conference with them at Hartford, on the 21st of September. The arrival of Admiral Rodney, on the American coast, a short time after, with eleven ships of the line, disconcerted for that season, all the plans of the allies; and Washington beheld, with infinite regret, the succession of abortive projects throughout the campaign of 1780 In

that year, and not before, he had indulged the hope of happily terminating the war. In a letter to a friend, he wrote as follows: "We are now drawing to a close an inactive campaign, the beginning of which appeared pregnant with events of a very favorable complexion. I hoped, but I hoped in vain, that a prospect was opening, which would enable me to fix a period to my military pursuits, and restore me to domestic life. The favorable disposition of Spain; the promised succor from France; the combined force in the West Indies; the declaration of Russia, (acceded to by other powers of Europe, humiliating to the naval pride and power of Great Britain;) the superiority of France and Spain by sea, in Europe; the Irish claims, and English disturbances; formed in the aggregate an opinion in my breast, which is not very susceptible of peaceful dreams, that the hour of deliverance was not far distant: for that, however unwilling Great Britain might be to yield the point, it would not be in her power to continue the contest. But, alas! these prospects, flattering as they were, have proved delusory; and I see nothing before us, but accumulating distress. We have been half of our time without provisions, and are likely to continue so. We have no magazines, nor money to form them. We have lived upon expedients, until we can live no longer. In a word, the history of the war is a history of false hopes and temporary devices, instead of system and economy. It is in vain, however, to look back; nor is it our business to do so. Our case is not desperate, if virtue exists in the people, and there is wisdom among our rulers. But, to suppose that this great revolution can be accomplished by a temporary army; that this army will be subsisted by state supplies; and that taxation alone is adequate to our wants, is, in my opinion, absurd."

1780.

While Washington, and our patriot fathers, were struggling amid these many difficulties and trials, the whole country was startled and astounded by the providential discovery of a deeply laid plan of treachery, which, if it had been successful, might have proved fatal to the cause of liberty. Benedict Arnold was the man who sold himself to the enemy, and the name of Benedict Arnold must forever be consigned to infamy.*

Arnold had a large share in the esteem and confidence of the country. For daring and impetuous valor, he was renowned among the American officers. His romantic expedition to Canada, his naval battle on Lake Champlain, and especially his desperate bravery at Behmus's Heights, had covered him with military glory. Disabled from active service, by a wound received on this last occasion, he had been appointed to the command of the troops in Philadelphia. Here, as one of the leading men of the city, he had established himself in the house of Penn, and had furnished it in the most sumptuous manner. Enticed by the display of wealth which he

* In preparing our narrative, we have carefully consulted Mr. Sparks's "*Life and Treason of Benedict Arnold*," being vol. iii. of the Library of American Biography.

made, and dazzled by the *éclat* of his position, Miss Shippen, a young lady, not yet eighteen, and daughter of Mr. Edward Shippen, of Philadelphia, listened to Arnold's addresses, and, after a very short acquaintance, they were married. Arnold's play, his table, his balls, his concerts, his banquets, would have exhausted even a very large fortune. His own, and the emoluments of his employment, being far from sufficient to defray such extravagance, he had betaken himself to commerce and privateering. His speculations proved unfortunate; his debts accumulated; his creditors tormented him. His boundless arrogance revolted at so many embarrassments; yet he would diminish nothing of this princely state; and he resorted to practices discreditable to him, in the highest degree, as an officer, and a man.* The president and council of Pennsylvania brought heavy accusations against him, which were referred to a court-martial. The court sentenced him to be publicly reprimanded by the commander-in-chief, who, with mingled firmness and delicacy, discharged this unpleasant duty. "Our service,"—such were his words—"is the chastest of all. Even the shadow of a fault tarnishes the lustre of our finest achievements. The least inadvertence, may rob us of the public favor, so hard to be acquired. I reprimand you, for having forgotten, that in proportion as you had rendered yourself formidable to our enemies, you should have been guarded and temperate in your deportment toward your fellow-citizens. Exhibit anew those noble qualities which have placed you on the list of our most valued commanders. I will myself furnish you, as far as it may be in my power, with opportunities of gaining the esteem of your country." Bronzed must have been the cheek of Arnold, if it did not tingle with burning shame at the thought of what he even then was, in purpose, at least, a traitor to the cause of his bleeding country! 1780.

To a man of violent passions like Arnold, disgraced in the eyes of his countrymen by well founded suspicions of his integrity, desperately in debt, and with no way in which to retrieve his affairs, and obtain means to riot still further in vicious extravagance, the temptation came at an opportune moment. Revenge was within his grasp, and gold held out its lure to him. The coffers of England he knew might be opened to him, and treason bore with her a high price. He gave form to his guilty intentions in a letter to Colonel Robinson, who immediately communicated them to Sir Henry Clinton. For more than a year before the consummation of his traitorous act, he kept up a secret correspondence with Major André, adjutant-general of the British army, under the assumed names respectively of Gustavus and Anderson.

Besides a large sum of money, Arnold was promised a rank in the British army

* "I am inclined to believe, that Arnold was a finished scoundrel from early manhood to his grave; nor do I believe that he had any real and true-hearted attachment to the whig cause. He fought as a mere adventurer, and took sides from a calculation of personal gain, and chances of plunder and advancement." —Sabine's "*American Loyalists*," p. 131.

D PERSUADES ANDRE TO CONCEAL THE PAPERS IN HIS BOOT.

equal to that which he then enjoyed. He, on his part, engaged to render to the British some signal service. None could equal in importance the placing West Point in the enemy's power; and Arnold agreed to do that, which, had it been successful, would have been a most deadly blow at the freedom of America. Pretending an aversion to longer residence in Philadelphia, and alleging his wish to resume active service in the army, he requested and obtained the command at West Point, and of all the forces stationed in that quarter. He arrived at the Point the first week in August, and thenceforward watched a favorable opening for carrying out his treasonable designs, which contemplated not only the delivery of the fortress to the enemy, but the scattering the troops in the vicinity, so that Clinton might easily fall upon them by surprise, and cut them all off at one stroke.

The absence of the commander-in-chief on a visit to Hartford, to meet the French officers, was thought to afford a suitable opportunity of bringing the affair to a close. Accordingly, the Vulture sloop-of-war, having ascended the Hudson, and anchored in Haverstraw Bay, some half dozen miles below King's Ferry, Major André landed from her, for the purpose of meeting Arnold, and concerting the arrangements necessary to consummate his treachery.

1780. It was about midnight when he landed, and the whole night was spent in conference with Arnold. André, urged to accompany Arnold as far as the house of Joshua H. Smith, reluctantly complied with this request. Mounting a horse brought by a servant, he passed with Arnold the American lines at Haverstraw, and having reached Smith's* house, the forenoon was spent in completing the details of his treachery. Arnold furnished him with an exact account of the force at West Point, gave him a pass, in the name of Anderson, to cross the lines, and then returned to his head-quarters, at Robinson's house, opposite West Point.

Meanwhile, André became very uneasy at the position in which he was placed, and was anxious to return on board the Vulture. That vessel, however, was compelled to retire further down the river, in consequence of being fired upon from the shore, and hence, André could not get the boatmen to undertake to put him again on board. There was no alternative but to attempt to return by land. Having exchanged his regimentals for a citizen's dress, over which he wore a dark, loose, great-coat, and accompanied by Smith, André set out a little before sunset, crossed the river at King's Ferry to Verplanck's Point, and it being now dark, took the road towards New York. At the outposts they were challenged by a sentinel. André's pass was closely scrutinized by Captain Boyd, the officer on duty, and numerous inquiries were addressed to him. At length, much to his satisfaction, he was released, with an apology, and advised to remain all night, on account of the marauders with which "the neutral ground" was infest-

* It is a matter of doubt how far this person was, or was not, an accomplice of Arnold's in his traitorous designs. The exact amount of his guilt will probably never be clearly ascertained.

ed. It was only after great persuasion on the part of Smith, that André consented to do so, and the former afterwards declared, that André passed the night in great restlessness and uneasiness. At the dawn of day they were again in the saddle; and now, considering himself beyond the reach of danger, the spirits of the young officer, which had hitherto been depressed by the sense of danger, recovered their natural elasticity. After breakfasting on the road, they parted, and André continued his journey towards New York alone.

About ten o'clock, on the morning of September 23d, while André was passing over "the neutral ground," a tract some thirty miles in extent, along the Hudson, between the American and British lines, and when he was about half a mile north of Tarrytown, three armed militia men, sprang out from the road side, seized his bridle, and demanded where he was going.* André, supposing himself among friends, said, "I hope you belong to our party." "What party?" was asked by one of the men. "The lower party." Being answered in the affirmative, André avowed himself a British officer, on pressing business; but immediately after, perceiving the blunder he had made, he showed Arnold's pass, and urged them not to detain him a moment. The men, John Paulding, David Williams, and Isaac Van Wart, refused his request, and causing him to dismount, they took him one side among the bushes, and searched him. Having pulled off his boots and stockings, they found next to the soles of his feet, the papers which Arnold had written out, respecting West Point, its defences, the state of the force, etc. André offered the men large sums of money, if they would release him; but, providentially for the cause of our country, they rejected the glittering bribe, and a few hours afterwards, he was delivered up to Lieutenant-colonel Jameson, who was in command at North Castle, the nearest military post.*

This officer, astounded at sight of the papers, seems to have lost the possession of whatever native sagacity he may at any time have possessed. With such plain, outspoken evidences of Arnold's base treason before his eyes, Jameson, nevertheless, wrote a short note, and resolved to send the prisoner on immediately to the traitor! At the same moment that he did this, happily he deemed it best to dispatch an express with the papers, to meet the commander-in-chief, supposed to be on the

* It is a curious coincidence, noted by Mr. Sparks, that the last canto of André's satirical poem, "*The Cow Chace*," was first printed in Rivington's Gazette, on the very day of his capture. The last stanza might be considered almost prophetic. For this poem, commemorating Wayne's attack upon the Refugee's Block House, on the Hudson, near Fort Lee, July 21st, 1780, see Appendix I. at the end of the present chapter.

* On the 3d of November, it was resolved, "That Congress have a high sense of the virtuous and patriotic conduct of John Paulding, David Williams, and Isaac Van Wart: in testimony whereof, ordered, that each of them receive annually, $200 in specie, or an equivalent in the current money of these states, during life, and that the Board of War be directed to procure for each of them, a silver medal, on one side of which, shall be a shield, with this inscription, FIDELITY, and on the other, the following motto, VINCIT AMOR PATRIÆ, and forward them to the commander-in-chief, who is requested to present the same, with a copy of this resolution, and the thanks of Congress for their fidelity, and the eminent service they have rendered their country."

road, returning from Hartford. Major Tallmadge, the second in command, came in from White Plains in the evening. Filled with astonishment at the news he heard, he begged Jameson, by all means, to detain the prisoner. To this the Colonel reluctantly acceded, but still persisted in sending his letter to Arnold, giving him the very information which enabled him to escape the punishment due to his detestable crime!

André, aware that the papers found on him, had been sent to Washington, and convinced, that further attempts at concealment would be unavoidable, wrote a letter, under date of September 24th, addressed to the commander-in-chief, revealing his name and rank. Less solicitous about his safety, than to prove that he was not an impostor, or a spy, he endeavored to refute appearances which were plainly against him. He affirmed, that his object had been, to confer with a person upon neutral ground, and that thence he had, without knowing it, been drawn within the American lines.

1780.

Washington, meanwhile, arrived at Fishkill, eighteen miles from Arnold's head-quarters, in the afternoon of September 24th. He intended to reach West Point that evening, but M. De la Luzerne, urging him to do so, he remained over night, and very early in the morning of the 25th, set off with his suite, sending word that they would breakfast with Arnold, at Robinson's House. When nearly opposite West Point, he turned his horse down a lane, when Lafayette reminded him, that he was taking the wrong road, and that Mrs. Arnold was, no doubt, waiting breakfast for them. "Ah," replied Washington, smiling, "I know you young men are all in love with Mrs. Arnold, and wish to get where she is as soon as possible. You may go and take your breakfast with her, and tell her not to wait for me, for I must ride down and examine the redoubts on this side the river, and will be there in a short time." His officers, however, declined to leave him, and two of his aids-de-camp were sent forward to explain the cause of the delay.

On learning that Washington and his suite would not be there for some time, Arnold and his family sat down to breakfast with the aids. While they were yet at table, Lieutenant Allen came in, and presented the letter from Jameson, giving the intelligence of André's capture. By a powerful effort, which long practice in dissimulation enabled him to make, Arnold read the letter, arose in some hurry, and, informing the company that his presence was urgently needed at West Point, went up stairs to his wife's chamber, and sent to call her. In a few words, he explained to her, that he must fly for his life, and, leaving her in a swoon on the floor, he rode hastily to the river side, entered a six-oared barge, stimulated the men, by promises of drink, to extra exertion, held up a white handkerchief, as he passed Verplanck's Point, and was soon in safety on board the Vulture.

Washington, shortly after Arnold's escape, reached head-quarters, at Robinson's House, and being told that Arnold had crossed the river, determined

to hurry breakfast, and to follow him as soon as possible. As the whole party glided across the river, surrounded by the majestic scenery of the Highlands, Washington said, "Well, gentlemen, I am glad, on the whole, that General Arnold has gone before us, for we shall now have a salute, and the roaring of the cannon will have a fine effect among these mountains." The boat drew near to the beach, but no cannon were heard, and there was no appearance of preparation to receive them. "What," said Washington, "do they not intend to salute us?" As they landed, an officer descended the hill, and, in some confusion, apologized for not being prepared to receive such distinguished visitors. "How is this, sir," said Washington, "is not General Arnold here?" "No, sir," replied the officer, "he has not been here these two days, nor have I heard from him within that time." "This is extraordinary," said Washington; "we were told that he had crossed the river, and that we should find him here. However, our visit must not be in vain. Since we have come, although unexpectedly, we must look round a little, and see in what state things are with you." An hour or two was spent in this examination, and then the commander-in-chief, with the officers in company, returned to Robinson's House, in the afternoon.

Hamilton, who had remained behind, met Washington, on his return, and, in great agitation, placed in his hands the papers, which had just arrived by the express sent by Jameson, together with the letter of André. Although shocked by the discovery of Arnold's base crime, Washington did not lose his self-command for a moment. "Whom can we trust now?" were his words, addressed to Lafayette; and with habitual caution, he kept the matter quiet for a time. Hamilton was sent down to Verplanck's Point, but too late to prevent Arnold's escape. The wife of the traitor was frantic with grief and excitement, and the sympathies of Washington, and his officers, were bestowed upon the unhappy woman. Not long after, a letter was sent in, which Arnold had written on board the Vulture, asking for protection to his wife and child; asserting that Mrs. Arnold was wholly innocent of any knowledge or complicity in his guilt,* and, with unblushing effrontery, boasting of his love to his country, which prompted his present conduct. Beverly Robinson, also sent from on board the Vulture, a letter to Washington, claiming that André was under protection of a flag, and ought to be set at liberty immediately.

Washington promptly took measures to defeat any designs which Clinton might have in view, and although it was impossible to tell how many, or how few, were concerned in Arnold's guilt, the commander-in-chief did not withdraw his confidence from any of his officers, but treated them all as innocent of any knowl- 1780.

* Mr. Sparks is of opinion, that nothing ever transpired, to show that Mrs. Arnold was aware of her husband's vile plans and purposes. On the other hand, Mr. Davis, in his "*Memoirs of Aaron Burr*," (vol. i., p. 219,) very positively declares, that Mrs. Arnold was not only a participator in his crimes, but, worse than that, was a chief tempter to him, to sell himself and his country for gold.

edge or share in so black a crime. To the honor of the American name, be it recorded, that not a single man, in any station, high or low, took any part in the "bad pre-eminence" of Benedict Arnold.

André, on the 26th, arrived at Robinson's House, in the custody of Major Tallmadge. On the 28th, he was sent down the river to Stony Point, and thence, under an escort of cavalry, to Tappan. André, not unnaturally, was inquisitive about Major Tallmadge's opinion, as to the result of his capture. "When I could no longer evade his importunity," says the major, in a very interesting letter, quoted by Mr. Sparks, "I remarked to him as follows:—'I had a much-loved class-mate in Yale College, by the name of Nathan Hale, who entered the army, in 1775. Immediately after the battle of Long Island, General Washington wanted information respecting the strength, position, and probable movements of the enemy. Captain Hale tendered his services, went over to Brooklyn, and was taken, just as he was passing the outposts of the enemy on his return.' Said I, with emphasis, 'Do you remember the sequel of this story?' 'Yes,' said André, 'he was hanged as a spy. But you surely do not consider his case and mine alike?' I replied, 'Yes, precisely similar, and similar will be your fate.' He endeavored to answer my remarks, but it was manifest, he was more troubled in spirit than I had ever seen him before."

The next day, a court-martial was appointed by the commander-in-chief, of which General Greene, was president, and Lafayette, Steuben, and others, were members, to inquire into the case of Major André, and to pronounce upon the punishment which he deserved. On being examined, he gave a candid recital of the circumstances of his case, as he had already stated them in his letter to Washington. He concealed nothing that regarded himself; but steadily avoided all disclosures inculpating others. He acknowledged every thing that was reckoned essential to his condemnation; and the board of general officers, to whom his case was referred, without calling any witnesses, considered merely that he had been within their lines in disguise, and reported, that in their opinion, Major André was a spy, and ought to suffer death as a spy.

Washington communicated the result to Sir Henry Clinton, and André was allowed to write a letter to the British general, in regard to his personal affairs. Indirectly, efforts were made by Washington, to effect an exchange for André, in hopes that Clinton might be induced to give up the traitor, Arnold, and allow him to be hung instead of André; but, much as Arnold was despised, and scorned, by his new associates, Clinton declined surrendering him to the vengeance of his countrymen.* The Brit-

* The romantic adventures of Sergeant Champe are related by Major Lee, in his "Memoirs." Mr. Sparks notes, that there is an important error, in its being supposed that Champe was employed to bring away Arnold, in order to save André, whereas Champe did not go into New York, till eighteen days after André's execution. The story, however, of the gallant sergeant's exploits, is too interesting, to be omitted. The reader will find it in Appendix II., at the end of the present chapter.

ish commander, to whom André was especially dear, opened a correspondence with Washington, and urged every consideration of justice, policy, and humanity, in favor of André. Finding that his letters were ineffectual, he dispatched General Robertson, and two other gentlemen, on the 1st of October, to confer with Washington, or any officer whom he might appoint. Robertson was met by General Greene, at Dobb's Ferry, and every possible reason was urged by the British officer, to induce the belief, that André was not a spy, and ought not to suffer death as a spy. But entreaties and threats were alike of no avail. Robertson presented an impudent letter from Arnold, which was offensive in a high degree, and could not help the case of the prisoner; and the conference ended without effect, so far as André was concerned.

The execution had been appointed to take place, at five o'clock, on the afternoon of October 1st, but owing to the length of the interview with Robertson, it was postponed till the next day, at twelve o'clock. André had entreated that he might be shot as a soldier, instead of being hung as a malefactor; but the request was not granted; it could not be granted consistently with the customs of war, and the established facts in regard to his case.

1780.

We give the conclusion of this distressing scene, in the words of Dr. Thacher,* who presents a vivid picture of the last hours of the hapless Major André.

"*October 2d.*—Major André is no more among the living. I have just witnessed his exit. It was a tragical scene of the deepest interest. During his confinement and trial, he exhibited those proud and elevated sensibilities, which designate greatness and dignity of mind. Not a murmur, or a sigh, ever escaped him, and the civilities and attentions bestowed on him, were politely acknowledged. Having left a mother and two sisters in England, he was heard to mention them in terms of the greatest affection, and in his letter to Sir Henry Clinton, he recommends them to his particular attention.

"The principal guard officer, who was constantly in the room with the prisoner, relates, that when the hour of his execution was announced to him in the morning, he received it without emotion, and while all present were affected with silent gloom, he retained a firm countenance, with a calmness and composure of mind. Observing his servant enter his room in tears, he exclaimed, 'Leave me, till you can show yourself more manly.' His breakfast being sent him from the table of General Washington, which had been done every day of his confinement, he partook of it as usual, and having shaved and dressed himself, he placed his hat on the table, and cheerfully said to the guard officers, 'I am ready at any moment, gentlemen, to wait on you.' The fatal hour having arrived, a large detachment of troops was paraded, and an immense concourse of people assembled; almost all our general and field officers, excepting his Excellency and his staff, were present on horseback; melancholy

* Thacher's "*Military Journal*," pp. 226–28.

THE DEATH WARRANT OF MAJOR ANDRE

and gloom pervaded all ranks; and the scene was affectingly awful. I was so near during the solemn march to the fatal spot, as to observe every movement, and participate in every emotion which the melancholy scene was calculated to produce. Major André walked from the stone house, in which he had been confined, between two of our subaltern officers, arm in arm; the eyes of the immense multitude were fixed on him, who, rising superior to the fears of death, appeared as if conscious of the dignified deportment which he displayed. He betrayed no want of fortitude, but retained a complacent smile on his countenance, and politely bowed to several gentlemen whom he knew, which was respectfully returned. It was his earnest desire to be shot, as being the mode of death most conformable to the feelings of a military man, and he had indulged the hope that his request would be granted. At the moment, therefore, when suddenly he came in view of the gallows, he involuntarily started backward, and made a pause. 'Why this emotion, sir?' said an officer by his side. Instantly recovering his composure, he said, 'I am reconciled to my death, but I detest the mode.' While waiting and standing near the gallows, I observed some degree of trepidation; placing his foot upon a stone, and rolling it over, and choking in his throat, as if attempting to swallow. So soon, however, as he perceived that things were in readiness, he stepped quickly into the waggon, and at this moment he appeared to shrink, but instantly elevating his head, with firmness, he said, 'It will be but a momentary pang;' and taking from his pocket two white handkerchiefs, the provost-marshal, with one, loosely pinioned his arms, and with the other, the victim, after taking off his hat and stock, bandaged his own eyes with perfect firmness, which melted the hearts and moistened the cheeks, not only of his servant, but of the throng of spectators. The rope being appended to the gallows, he slipped the noose over his head, and adjusted it to his neck, without the assistance of the awkward executioner. Colonel Scammel now informed him, that he had an opportunity to speak, if he desired it; he raised his hankerchief from his eyes, and said, 'I pray you, to bear me witness, that I meet my fate like a brave man.' The waggon being now removed from under him, he was suspended, and instantly expired. It proved, indeed, 'but a momentary pang.' He was dressed in his royal regimentals and boots, and his remains, in the same dress, were placed in an ordinary coffin, and interred at the foot of the gallows; and the spot was consecrated by the tears of thousands."*

* "In no instance," says Washington, in a private letter, "since the commencement of the war, has the interposition of Providence appeared more remarkably conspicuous, than in the rescue of the post and garrison at West Point. How far Arnold meant to involve me in the catastrophe of this place, does not appear by any indubitable evidence, and I am rather inclined to think, he did not wish to hazard the more important object, by attempting to combine two events, the lesser of which might have marred the greater. A combination of extraordinary circumstances, and unaccountable deprivation of presence of mind in a man of the first abilities, and the virtue of three militiamen, threw the adjutant-general of the British forces, with full proof of Arnold's intention, into our hands, and, but for the egregious folly, or the bewildered conception, of Lieutenant-colonel Jameson, who seemed

During the remainder of the campaign, no transactions of much importance were carried on in the north. On the 21st of November, indeed, Major Tallmadge performed a brilliant exploit of desultory warfare. Being informed that the British had a large magazine of forage at Coram, on Long Island, protected by a small garrison at Fort St. George, on South Haven, in its vicinity, he crossed the sound, where it was upwards of twenty miles broad; and, with nearly one hundred men, surprised the fort; made the garrison, upwards of fifty in number, prisoners; burnt the magazines at Coram; and, escaping the British cruisers, recrossed the sound, without losing a man. On the other hand, Major Carleton, towards the close of October, at the head of a thousand men, Europeans, Indians, and loyalists, made a sudden irruption into the northern parts of the state of New York, took the forts Anne and George, and made the garrison prisoners. At the same time, Sir John Johnson, at the head of a body of a similar description, appeared on the Mohawk. Several smart skirmishes were fought. But both of those parties were obliged to retire, laying waste the country through which they passed.

1780.

On the approach of winter, both armies went into winter-quarters. General Washington stationed the Pennsylvania line near Morristown; the Jersey line, about Pompton, on the confines of New York and New Jersey; the troops of New England, in West Point and its vicinity, on both sides of the North River; and the troops of New York remained at Albany, whither they had been sent to oppose the incursion of Carleton and Johnson. The French army remained at Newport, except the legion of the Duke de Lauzun, which was cantoned at Lebanon, in Connecticut.

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lost in astonishment, and not to have known what he was doing, I should undoubtedly have gotten Arnold. André has met his fate, and with that fortitude which was to be expected from an accomplished man, and a gallant officer; but I mistake, if Arnold is suffering at this time, the torments of a mental hell. He wants feeling. From some traits of his character, which have lately come to my knowledge, he seems to have been so hackneyed in crime, so lost to all sense of honor and shame, that while his faculties still enable him to continue his sordid pursuits, there will be no time for remorse."

APPENDIX TO CHAPTER VII.

I. THE COW CHACE.

BY MAJOR ANDRÉ.

PART 1.

To drive the kine one summer's morn,
The tanner took his way;
The calf shall rue that is unborn
The jumbling of that day.

And Wayne descending steers shall know,
And tauntingly deride;
And call to mind in every low,
The tanning of his hide.

Yet Bergen cows still ruminate,
Unconscious in the stall,
What mighty means were used to get,
And loose them after all.

For many heroes bold and brave,
From Newbridge and Tapaan,
And those that drink Passaic's wave,
And those who eat soupaun;

And sons of distant Delaware,
And still remoter Shannon,
And Major Lee with horses rare,
And Proctor with his cannon.

All wondrous proud in arms they came,
What hero could refuse
To tread the rugged path to fame,
Who had a pair of shoes?

At six, the host with sweating buff,
Arrived at Freedom's pole;
When Wayne, who thought he'd time enough,
Thus speechified the whole.

"O ye, whom glory doth unite,
Who Freedom's cause espouse;
Whether the wing that's doom'd to fight,
Or that to drive the cows,

"Ere yet you tempt your further way,
Or into action come,
Hear, soldiers, what I have to say,
And take a pint of rum.

"Intemp'rate valor then will string
Each nervous arm the better;
So all the land shall IO sing,
And read the Gen'ral's letter.

"Know that some paltry Refugees,
Whom I've a mind to fight;
Are playing h—l amongst the trees
That grow on yonder height.

"Their fort and block-houses we'll level,
And deal a horrid slaughter;
We'll drive the scoundrels to the devil,
And ravish wife and daughter.

"I, under cover of th' attack,
Whilst you are all at blows,
From English Neighb'rhood and Nyack,
Will drive away the cows;

"For well you know the latter is
The serious operation,
And fighting with the Refugees
Is only demonstration."

His daring words, from all the crowd,
Such great applause did gain,
That every man declar'd aloud,
For serious work with Wayne.

Then from the cask of rum once more,
They took a heady gill;
When one and all, they loudly swore,
They'd fight upon the hill.

But here the Muse hath not a strain
Befitting such great deeds;
Huzza! they cried, huzza! for Wayne,
And shouting—did their needs.

PART II.

Near his meridian pomp, the sun
Had journey'd from the hor'zon;
When fierce the dusky tribe mov'd on,
Of heroes drunk as poison.

The sounds confus'd of boasting oaths,
Re-echo'd through the wood;
Some vow'd to sleep in dead men's clothes,
And some to swim in blood.

At Irving's nod 'twas fine to see,
The left prepare to fight;
The while, the drovers, Wayne and Lee,
Drew off upon the right.

Which Irving 'twas, fame don't relate,
Nor can the Muse assist her;
Whether 'twas he that cocks a hat,
Or he that gives a clyster.

For greatly one was signaliz'd,
That fought on Chestnut Hill;
And Canada immortaliz'd
The vender of the pill.

Yet their attendance upon Proctor,
They both might have to boast of;
For there was business for the doctor,
And hats to be disposed of.

Let none uncandidly infer,
That Stirling wanted spunk;
The self-made peer had sure been there,
But that the peer was drunk.

But turn we to the Hudson's banks,
Where stood the modest train;
With purpose firm, though slender ranks,
Nor car'd a pin for Wayne.

For them the unrelenting hand
Of rebel fury drove,
And tore from every genial band
Of friendship and of love.

And some within a dungeon's gloom,
By mock tribunals laid;
Had waited long a cruel doom
Impending o'er each head.

Here one bewails a brother's fate,
There one a sire demands,
Cut off, alas! before their date,
By ignominious hands.

And silver'd grandsires here appear'd
In deep distress serene,
Of reverend manners that declar'd
The better days they'd seen.

Oh, curs'd rebellion, these are thine,
Thine are these tales of woe;
Shall at thy dire insatiate shrine,
Blood never cease to flow?

And now the foe began to lead
His forces to the attack;
Balls whistling unto balls succeed,
And make the block-house crack.

No shot could pass, if you will take
The Gen'ral's word for true;
But 'tis a d——ble mistake,
For every shot went through.

The firmer as the rebels press'd,
The loyal heroes stand;
Virtue had nerv'd each honest breast,
And industry each hand.

In valor's frenzy, Hamilton
Rode like a soldier big,
And Secretary Harrison,
With pen stuck in his wig.

But lest their chieftain Washington,
Should mourn them in the mumps,
The fate of Withrington to shun,
They fought behind the stumps.

But ah, Thaddæus Posset, why
Should thy poor soul elope?
And why should Titus Hooper die,
Ay, die—without a rope?

Apostate Murphy, thou to whom
Fair Shela ne'er was cruel,
In death shalt hear her mourn thy doom,
"Och! would ye die, my jewel?"

Thee, Nathan Pumpkin, I lament,
Of melancholy fate;
The gray goose stolen as he went,
In his heart's blood was wet.

Now, as the fight was further fought,
And balls began to thicken,
The fray assum'd, the generals thought,
The color of a lickin'.

Yet undismay'd the chiefs command,
And to redeem the day;
Cry, Soldiers, charge! they hear, they stand,
They turn and run away.

PART III.

Not all delights the bloody spear,
Or horrid din of battle;
There are, I'm sure, who'd like to hear
A word about the cattle.

The chief whom we beheld of late,
Near Schralenburg haranguing,
At Yan Van Poop's unconscious sat
Of Irving's hearty banging.

Whilst valiant Lee, with courage wild,
Most bravely did oppose
The tears of woman and of child,
Who begged he'd leave the cows.

But Wayne, of sympathizing heart,
Required a relief;
Not all the blessings could impart
Of battle or of beef.

For now a prey to female charms,
His soul took more delight in
A lovely hamadryad's arms,
Than driving cows or fighting.

A nymph the Refugees had drove
Far from her native tree,
Just happen'd to be on the move,
When up came Wayne and Lee.

She, in mad Anthony's fierce eye,
The hero saw portray'd,
And all in tears she took him by
—The bridle of his jade.

"Hear," said the nymph, "O, great commander!
No human lamentations;
The trees you see them cutting yonder,
Are all my near relations.

"And I, forlorn! implore thine aid
To free the sacred grove;

So shall thy prowess be repaid
With an immortal's love."

Now some, to prove she was a goddess,
Said this enchanting fair
Had late retired from the bodies
In all the pomp of war.

The drums and merry fifes had play'd
To honor her retreat;
And Cunningham himself convey'd
The lady through the street.

Great Wayne, by soft compassion sway'd,
To no inquiry stoops,
But takes the fair afflicted maid
Right into Yan Van Poop's.

So Roman Anthony, they say,
Disgrac'd the Imperial banner,
And for a gypsy lost a day,
Like Anthony the tanner.

The hamadryad had but half
Receiv'd address from Wayne,
When drums and colors, cow and calf,
Came down the road amain.

And in a cloud of dust was seen
The sheep, the horse, the goat,
The gentle heifer, ass obscene,
The yearling and the shoat.

And pack-horses with fowls came by,
Befeather'd on each side;
Like Pegasus, the horse that I
And other poets ride.

Sublime upon his stirrups rose
The mighty Lee behind,
And drove the terror-smitten cows
Like chaff before the wind.

But sudden see the woods above,
Pour down another corps,
All helter-skelter in a drove,
Like that I sung before.

Irving and terror in the van,
Came flying all abroad;
And cannons, colors, horse, and man,
Ran tumbling to the road.

Still as he fled, 'twas Irving's cry,
And his example too,
"Run on, my merry men—For why?
The shot will not go through."

As when two kennels in the street,
Swell'd with a recent rain,
In gushing streams together meet,
And seek the neighboring drain;

So met these dung-born tribes in one,
As swift in their career,
And so to Newbridge they ran on—
But all the cows got clear.

Poor parson Caldwell, all in wonder,
Saw the returning train,
And mourn'd to Wayne the lack of plunder
For them to steal again.

For 'twas his right to steal the spoil, and
To share with each commander,
As he had done at Staten Island
With frost-bit Alexander.

In his dismay, the frantic priest,
Began to grow prophetic;
You'd swore, to see his laboring breast,
He'd taken an emetic.

"I view a future day," said he,
"Brighter than this day dark is;
And you shall see what you shall see,
Ha! ha! my pretty Marquis!

"And he shall come to Paulus Hook,
And great achievements think on;
And make a bow and take a look,
Like Satan over Lincoln.

"And every one around shall glory
To see the Frenchman caper;
And pretty Susan tell the story
In the next Chatham paper."

This solemn prophecy, of course,
Gave all much consolation,
Except to Wayne, who lost his horse,
Upon that great occasion.

His horse that carrried all his prog,
His military speeches;
His corn-stalk whiskey for his grog,
Blue stockings and brown breeches

And now I've clos'd my epic strain,
I tremble as I show it,
Lest this same warrior-drover, Wayne,
Should ever catch the poet.

II. SERGEANT CHAMPE'S ADVENTURE.

BY MAJOR LEE.

Washington, informed that others of the American officers, were, like Arnold, traitors to their country, resolved to ascertain, if possible, whether the information was correct. He sent for Major Lee, and asked him to name a man who was able and willing to proceed to New York, under the guise of a deserter, and ascertain the truth so important to be known, for the interests of the country, and the vindication of the character of the army, viz., whether there were other Arnolds among the officers, or whether he alone was the guilty traitor. Lee, happily, was possessed of the very man in his corps, and after an interview with the gallant sergeant, and overcoming his scruples against so unusual a duty, Champe agreed to make the required attempt. We now quote from Major Lee.

This part of the business being finished, the major's and sergeant's deliberations were turned to the manner of the latter's desertion; for it was well known to both, that to pass the numerous patrols of horse and foot crossing from the stationary guards, was itself difficult, which was now rendered more so, by parties thrown occasionally beyond the place called Liberty-pole, as well as by the swarms of irregulars, induced sometimes to venture down to the very point of Paulus Hook, with the hope of picking up booty. Evidently discernible as were the difficulties in the way, no relief could be administered by Major Lee, lest it might induce a belief, that he was privy to the desertion, which opinion getting to the enemy, would involve the life of Champe. The sergeant was left to his own resources, and to his own management, with the declared determination, that in case his departure should be discovered before morning, Lee would take care to delay pursuit as long as was practicable.

Giving to the sergeant three guineas, and presenting his best wishes, he recommended him to start without delay, and enjoined him to communicate his arrival in New York, as soon thereafter

as might be practicable. Champe, pulling out his watch, compared it with the major's, reminding the latter of the importance of holding back pursuit, which he was convinced would take place in the course of the night, and which might be fatal, as he knew that he should be obliged to zigzag, in order to avoid the patrols, which would consume time. It was now nearly eleven. The sergeant returned to camp, and taking his cloak, valise, and orderly-book, he drew his horse from the picket, and, mounting him, put himself on fortune. Lee, charmed with his expeditious consummation of the first part of the enterprise, retired to rest. Useless attempt! the past scene could not be obliterated; and, indeed, had that been practicable, the interruption which ensued, would have stopped repose.

Within half an hour Captain Carnes, officer of the day, waited on the major, and with considerable emotion, told him that one of the patrol had fallen in with a dragoon, who, being challenged, put spur to his horse, and escaped, though instantly pursued. Lee, complaining of the interruption, and pretending to be extremely fatigued by his ride to and from head-quarters, answered as if he did not understand what had been said, which compelled the captain to repeat it. "Who can the fellow that was pursued be?" inquired the major, adding, "a countryman, probably." "No," replied the captain; "the patrol sufficiently distinguished him, to know that he was a dragoon; probably one from the army, if not certainly one of our own." This idea was ridiculed, from its improbability, as, during the whole war but a single dragoon had deserted from the legion. This did not convince Carnes, so much stress was it now the fashion to lay on the desertion of Arnold, and the probable effect of his example. The captain withdrew to examine the squadron of horse, whom he had ordered to assemble in pursuance of established usage on similar occasions. Very quickly he returned, stating that the scoundrel was known, and was no less a person than the serjeant-major, who was gone off with his horse, baggage, arms, and orderly-book—so presumed, as neither the one nor the other could be found. Sensibly affected at the supposed baseness of a soldier extremely respected, the captain added, that he had ordered a party to make ready for pursuit, and begged the major's written orders.

Occasionally this discourse was interrupted, and every idea suggested, which the excellent character of the sergeant warranted, to induce the suspicion, that he had not deserted, but had taken the liberty to leave the camp, with a view to personal pleasure; an example, said Lee, too often set by the officers themselves, destructive, as it was, of discipline, opposed, as it was, to orders, and disastrous, as it might prove, to the corps, in the course of service.

Some little delay was thus interposed; but it being now announced, that the pursuing party was ready, Major Lee directed a change in the officer, saying, that he had a particular service in view, which he had determined to intrust to the lieutenant ready for duty, and which probably must be performed in the morning. He therefore directed him to summon Cornet Middleton for the present command. Lee was induced thus to act, first, to add to the delay, and next, from his knowledge of the tenderness of Middleton's disposition, which he hoped would lead to the protection of Champe, should he be taken. Within ten minutes, Middleton appeared to receive his orders, which were delivered to him, made out in the customary form, and signed by the major. "Pursue, so far as you can with safety, Sergeant Champe, who is suspected of deserting to the enemy, and has taken the road leading to Paulus Hook. Bring him alive that he may suffer in the presence of the army; but kill him, if he resists, or escapes after being taken."

Detaining the cornet a few minutes longer in advising him what course to pursue; urging him to take care of the horse and accoutrements, if recovered, and enjoining him to be on his guard, lest he might, by his eager pursuit, improvidently fall into the hands of the enemy; the major dismissed Middleton, wishing him success. A shower of rain fell soon after Champe's departure, which enabled the pursuing dragoons to take the trail of his horse; knowing, as officer and trooper did, the make of their shoes, whose impression was an unerring guide.*

When Middleton departed, it was a few min-

* The horses being all shod by our own farriers, the shoes were made in the same form; which, with a private mark annexed to the fore shoes, and known to the troopers, pointed out the trail of our dragoons to each other, which was often very useful.

utes past twelve, so that Champe had only the start of rather more than an hour; by no means so long as was desired. Lee became very unhappy, not only because the estimable and gallant Champe might be injured, but lest the enterprise might be delayed; and he spent a sleepless night. The pursuing party, during the night, was, on their part, delayed by the necessary halts, to examine occasionally the road, as the impression of the horse's shoes directed their course; this was unfortunately too evident, no other horse having passed along the road since the shower. When the day broke, Middleton was no longer forced to halt, and he passed on with rapidity. Ascending an eminence, before he reached the Three Pigeons, some miles on the north of the village of Bergen, as the pursuing party reached its summit, Champe was descried not more than half a mile in front. Resembling an Indian in his vigilance, the sergeant, at the same moment, discovered the party, to whose object he was no stranger, and, giving spur to his horse, he determined to outstrip his pursuers. Middleton, at the same instant, put his horses to the top of their speed; and being, as the legion all were, well acquainted with the country, he recollected a short route through the woods, to the bridge below Bergen, which diverged from the great road, just after you gain the Three Pigeons. Reaching the point of separation, he halted, and dividing his party, directed a sergeant, with a few dragoons, to take the near cut, and possess, with all possible dispatch, the bridge, while he, with the residue, followed Champe; not doubting but that Champe must deliver himself up, as he would be enclosed between himself and his sergeant. Champe did not forget the short cut, and would have taken it himself, but he knew it was the usual route of our parties, when returning in the day from the neighborhood of the enemy, properly preferring the woods to the road. He consequently avoided it; and, persuaded that Middleton would avail himself of it, wisely resolved to relinquish his intention of getting to Paulus Hook, and to seek refuge from two British galleys, lying a few miles to the west of Bergen.

This was a station always occupied by one or two galleys, and which it was known now lay there. Entering the village of Bergen, Champe turned to his right, and disguising his change of course as much as he could, by taking the beaten streets, turning as they turned, he passed through the village, and took the road towards Elizabethtown Point. Middleton's sergeant gained the bridge, where he concealed himself, ready to pounce on Champe, when he came up; and, Middleton, pursuing his course through Bergen, soon got also to the bridge, when, to his extreme mortification, he found that the sergeant had slipped through his fingers. Returning up the road, he inquired of the villagers of Bergen, whether a dragoon had been seen that morning preceding his party. He was answered in the affirmative, but could learn nothing satisfactory as to the route he had taken. While engaged in inquiries himself, he spread his party through the village, to strike the trail of Champe's horse, a resort always recurred to. Some of his dragoons hit it, just as the sergeant, leaving the village, got in the road to the point. Pursuit was renewed with vigor, and again Champe was descried. He apprehending the event, had prepared himself for it, by lashing his valise, containing his clothes and orderly-book, on his shoulders, and holding his drawn sword in his hand, having thrown away its scabbard. This he did, to save what was indispensable to him, and to prevent any interruption to his swimming, from the scabbard, should Middleton, as he presumed, when disappointed at the bridge, take the measures adopted by him. The pursuit was rapid and close, as the stop occasioned by the sergeant's preparations for swimming, had brought Middleton within two or three hundred yards. As soon as Champe got abreast of the galleys, he dismounted, and running through the marsh to the river, plunged into it, calling on the galleys for help. This was readily given; they fired on our horse, and sent a boat to meet Champe, who was taken in, and carried on board, and conveyed to New York, with a letter from the captain of the galley, stating the past scene, all of which he had seen.

The horse, with his equipments, the sergeant's cloak, and sword scabbard, were recovered; the sword itself, being held by Champe, till he plunged into the river, was lost, as Middleton found it necessary to retire, without searching for it.

About three o'clock in the evening, our party returned; and the soldiers, seeing the horse, well known to them, in our possession, made the air re-

sound with exclamations, that the scoundrel was killed.

Major Lee, called by this heart-rending annunciation, from his tent, saw the sergeant's horse led by one of Middleton's dragoons, and began to reproach himself with the blood of the highly-prized, faithful, and intrepid Champe. Stifling his agony, he advanced to meet Middleton, and became somewhat relieved, as soon as he got near enough to discern the countenance of his officer and party. There was evidence in their looks of disappointment, and he was quickly relieved, by Middleton's information, that the sergeant had effected his escape, with the loss of his horse, and narrated the particulars just recited.

Lee's joy was now as full as, the moment before, his torture had been excruciating. Never was a happier conclusion. The sergeant escaped unhurt, carrying with him to the enemy, undeniable testimony of the sincerity of his desertion; cancelling every apprehension before entertained, lest the enemy might suspect him of being what he really was.

Major Lee imparted to the commander-in-chief the occurrence, who was sensibly affected by the hair-breadth escape of Champe, and anticipated with pleasure, the good effect sure to follow the enemy's knowledge of its manner.

On the fourth day after Champe's departure, Lee received a letter from him, written the day before, in a disguised hand, without any signature, and stating what had passed, after he got on board the galley, where he was kindly received.

He was carried to the commandant of New York as soon as he arrived, and presented the letter addressed to this officer from the captain of the galley. Being asked to what corps he belonged, and a few other common questions, he was sent, under care of an orderly-sergeant, to the adjutant-general, who, finding that he was sergeant-major of the legion of horse, heretofore remarkable for their fidelity, he began to interrogate him. He was told by Champe, that such was the spirit of defection which prevailed among the American troops, in consequence of Arnold's example, that, he had no doubt, if the temper was properly cherished, Washington's ranks would not only be greatly thinned, but that some of his best corps would leave him. To this conclusion, the sergeant said, he was led by his own observations, and especially by his knowledge of the discontents which agitated the corps to which he had belonged. His size, place of birth, his form, countenance, color of his hair, the corps in which he had served, with other remarks in conformity to the British usage, were noted in a large folio book. After this was finished, he was sent to the commander-in-chief, in charge of one of the staff, with a letter from the adjutant-general. Sir Henry Clinton treated him very kindly, and detained him more than an hour, asking him many questions, all leading—first, to know to what extent this spirit of defection might be pushed by proper incitements; what were the most operating incitements; whether any general officers were suspected by Washington, as concerned in Arnold's conspiracy, or any other officers of note; who they were, and whether the troops approved or censured Washington's suspicions; whether his popularity in the army was sinking, or continued stationary; what was Major André's situation; whether any change had taken place in the manner of his confinement; what was the current opinion of his probable fate, and whether it was thought Washington would treat him as a spy. To these various interrogations, some of which were perplexing, Champe answered warily; exciting, nevertheless, hopes that the adoption of proper measures to encourage desertion, of which he could not pretend to form an opinion, would certainly bring off hundreds of the American soldiers, including some of the best troops, horse as well as foot. Respecting the fate of André, he said he was ignorant, though there appeared to be a general wish in the army that his life should not be taken; and that he believed, it would depend more on the disposition of Congress, than on the will of Washington.

After this long conversation ended, Sir Henry presented Champe with a couple of guineas, and recommended him to wait on General Arnold, who was engaged in raising an American legion in the service of his majesty. He directed one of his aids to write to Arnold by Champe, stating who he was, and what he had said about the disposition in the army to follow his example, which was very soon done; it was given to the orderly attending on Champe, to be presented, with the deserter, to General Arnold. Arnold expressed much satisfaction on hearing from Champe, the manner of his escape, and the effect of Arnold's

example; and concluded his numerous inquiries, by assigning quarters to the sergeant; the same as were occupied by his recruiting-sergeants.

He also proposed to Champe to join his legion, telling him he could give to him the same station he had held in the rebel service, and promising further advancement when merited. Expressing his wish to retire from war, and his conviction of the certainty of his being hung if ever taken by the rebels, he begged to be excused from enlistment; assuring the general that, should he change his mind, he would certainly accept his offer. Retiring to the assigned quarters, Champe now turned his attention to the delivery of his letters, which he could not effect till the next night, and then only to one of the two *incogniti* to whom he was recommended. This man received the sergeant with extreme attention, and, having read the letter, assured Champe that he might rely on his faithful co-operation in doing every thing in his power consistently with his safety, to guard which required the utmost prudence and circumspection. The sole object in which the aid of this individual was required, regarded the general and others of our army, implicated in the information sent to Washington by him. To this object Champe urged his attention, assuring him of the solicitude it had excited, and telling him that its speedy investigation had induced the general to send him into New York. Promising to enter on it with zeal, and engaging to send out Champe's letters to Major Lee, he fixed the time and place for their next meeting, when they separated.

Lee made known to the general what had been transmitted to him by Champe, and received in answer directions to press Champe to the expeditious conclusion of his mission, as the fate of André would be soon decided, when little or no delay could be admitted in executing whatever sentence the court might decree. The same messenger who brought Champe's letter, returned with the ordered communication. Five days had nearly elapsed after reaching New York, before Champe saw the confidant to whom only the attempt against Arnold was to be intrusted. This person entered with promptitude into the design, promising his cordial assistance. To procure a proper associate to Champe was the first object, and this he promised to do with all possible dispatch. Furnishing a conveyance to Lee, he again heard from Champe, who stated what I have related, with the additional intelligence that he had that morning, the last of September, been appointed one of Arnold's recruiting-sergeants, having enlisted the day before with Arnold; and that he was induced to take this afflicting step, for the purpose of securing uninterrupted ingress and egress to the house which the general occupied, it being indispensable to a speedy conclusion of the difficult enterprise which the information he had just received had so forcibly urged. He added, that the difficulties in his way were numerous and stubborn, and that his prospect of success was by no means cheering. With respect to the additional treason, he asserted that he had every reason to believe that it was groundless; that the report took its rise in the enemy's camp, and that he hoped soon to clear up this matter satisfactorily. The pleasure which the first part of this communication afforded was damped by the tidings it imparted respecting Arnold, as on his speedy delivery depended André's relief. The interposition of Sir Henry Clinton, who was extremely anxious to save his much beloved aid-de-camp, still continued; and it was expected the examination of witnesses and the defence of the prisoner would protract the decision of the court of inquiry, now assembled, and give sufficient time for the consummation of the project committed to Champe. A complete disappointment took place from a quarter unforeseen and unexpected. The honorable and accomplished André, knowing his guilt, disdained defence, and prevented the examination of witnesses, by confessing the character in which he stood. On the next day, the 2d of October, the court again assembled, when every doubt that could possibly arise in the case having been removed by the previous confession, André was declared to be a spy, and condemned to suffer accordingly.

The sentence was executed on the subsequent day in the usual form, the commander-in-chief deeming it improper to interpose any delay. In this decision he was warranted by the very unpromising intelligence received from Champe—by the still existing implication of other officers in Arnold's conspiracy—by a due regard to public opinion—and by real tenderness to the condemned.

Neither Congress nor the nation could have been with propriety informed of the cause of the delay, and without such information it must have excited in both alarm and suspicion. André himself could not have been intrusted with the secret, and would consequently have attributed the unlooked-for event to the expostulation and exertion of Sir Henry Clinton, which would not fail to produce in his breast expectations of ultimate relief; to excite which would have been cruel, as the realization of such expectations depended only on a possible but improbable contingency. The fate of André, hastened by himself, deprived the enterprise committed to Champe of a feature which had been highly prized by its projector, and which had very much engaged the heart of the individual chosen to execute it.

Washington ordered Major Lee to communicate what had passed to the sergeant, with directions to encourage him to prosecute with unrelaxed vigor the remaining objects of his instructions, but to intermit haste in the execution only so far as was compatible with final success.

This was accordingly done, by the first opportunity, in the manner directed. Champe deplored the sad necessity which occurred, and candidly confessed that the hope of enabling Washington to save the life of André, who had been the subject of universal commiseration in the American camp, greatly contributed to remove the serious difficulties which opposed his acceding to the proposition when first propounded. Some documents accompanied this communication, tending to prove the innocence of the accused general; they were completely satisfactory, and did credit to the discrimination, zeal and diligence of the sergeant. Lee inclosed them immediately to the commander-in-chief, who was pleased to express the satisfaction he derived from the information, and to order the major to wait on him the next day; when the whole subject was re-examined, and the distrust heretofore entertained of the accused was forever dismissed. Nothing now remained to be done but the seizure and safe delivery of Arnold. To this object Champe gave his undivided attention; and on the 19th of October, Major Lee received from him a very particular account of the progress he had made, with the outlines of his plan. This was without delay submitted to Washington; with a request for a few additional guineas. The general's letter, written on the same day, 20th of October, evinces his attention to the minutiæ of business, as well as his immutable determination to possess Arnold alive, or not at all. This was his original injunction, which he never omitted to enforce on every proper occasion.

Major Lee had an opportunity, in the course of the week, of writing to Champe, when he told him, that the rewards which he had promised to his associates, would be certainly paid on the delivery of Arnold; and, in the mean time, small sums of money would be furnished for casual expenses, it being deemed improper that he should appear with much, lest it might lead to suspicion and detection. That five guineas were now sent, and that more would follow, when absolutely necessary.

Ten days elapsed before Champe brought his measures to conclusion, when Lee received from him his final communication, appointing the third subsequent night for a party of dragoons to meet him at Hoboken, when he hoped to deliver Arnold to the officer. Champe had, from his enlistment into the American legion, (Arnold's corps,) every opportunity he could wish to attend to the habits of the general. He discovered, that it was his custom, to return home about twelve every night, and that previous to going to bed, he always visited the garden. During this visit, the conspirators were to seize him, and, being prepared with a gag, intended to have applied the same instantly.

Adjoining the house in which Arnold resided, and in which it was designed to seize and gag him, Champe had taken off several of the palings, and replaced them, so that with care, and without noise, he could readily open his way to the adjoining alley. Into this alley, he meant to have conveyed his prisoner, aided by his companion, one of two associates, who had been introduced by the friend, to whom Champe had been originally made known by letter from the commander-in-chief, and with whose aid and counsel, he had so far conducted the enterprise. His other associate, was, with the boat prepared, at one of the wharves, on the Hudson river to receive the party.

Champe, and his friend, intended to have placed themselves each under Arnold's shoulder,

and to have thus borne him through the most unfrequented alleys and streets to the boat; representing Arnold, in case of being questioned, as a drunken soldier, whom they were conveying to the guard-house.

When arrived at the boat, the difficulties would be all surmounted, there being no danger, nor obstacle, in passing to the Jersey shore. These particulars, so soon as known to Lee, were communicated to the commander-in-chief, who was highly gratified with the most-desired intelligence. He directed Major Lee to meet Champe, and to take care that Arnold should not be hurt. The day arrived, and Lee, with a party of dragoons, left camp late in the evening, with three led accoutred horses; one for Arnold, one for the sergeant, and the third for his associate, never doubting the success of the enterprise, from the tenor of the last-received communications. The party reached Hoboken about midnight, where they were concealed in the adjoining wood—Lee, with three dragoons, stationing himself near the river shore. Hour after hour passed—no boat approached. At length the day broke, and the major retired to his party, and, with his led horses, returned to camp, when he proceeded to headquarters, to inform the general of the much lamented disappointment, as mortifying as inexplicable. Washington having perused Champe's plan and communication, had indulged the presumption, that at length the object of his keen and constant pursuit, was sure of execution, and did not dissemble the joy such conviction produced. He was chagrined at the issue, and apprehended that his faithful sergeant must have been detected in the last scene of his tedious and difficult enterprise.

In a few days, Lee received an anonymous letter from Champe's patron and friend, informing him, that on the day preceding the night fixed for the execution of the plot, Arnold had removed his quarters to another part of the town, to superintend the embarkation of troops, preparing, as was rumored, for an expedition to be directed by himself; and that the American legion, consisting chiefly of American deserters, had been transferred from their barracks to one of the transports; it being apprehended, that if left on shore, till the expedition was ready, many of them might desert. Thus it happened, that John Champe, instead of crossing the Hudson that night, was safely deposited on board one of the fleet of transports, whence he never departed, till the troops under Arnold, landed in Virginia! nor was he able to escape from the British army, till after the junction of Lord Cornwallis, at Petersburg, when he deserted, and proceeding high up into Virginia, he passed into North Carolina, near the Sama towns, and, keeping in the friendly districts of that state, safely joined the army soon after it had passed the Congaree, in pursuit of Lord Rawdon.

His appearance excited extreme surprise among his former comrades, which was not a little increased when they saw the cordial reception he met with from the late Major, now Lieutenant-Colonel Lee. His whole story soon became known to the corps, which reproduced the love and respect of both officer and soldier, heretofore invariably entertained for the sergeant, heightened by universal admiration of his late daring and arduous attempt.

Champe was introduced to General Greene, who very cheerfully complied with the promises made by the commander-in-chief, so far as in his power; and having provided the sergeant with a good horse and money for his journey, sent him to General Washington, who munificently anticipated every desire of the sergeant, and presented him with his discharge from further service,* lest he might in the vicissitudes of war fall into the enemy's hands; when, if recognized, he was sure to die on the gibbet.

* When General Washington was called by President Adams to the command of the army prepared to defend the country from French hostility, he sent to Lieutenant-Colonel Lee, to inquire for Champe; being determined to bring him into the field at the head of a company of infantry. Lee sent to Loudon county, where Champe settled after his discharge from the army; when he learned that the gallant soldier removed to Kentucky, where he soon after died.

CHAPTER VIII.

1781.

THE DECISIVE YEAR OF THE WAR.

The Armed neutrality — War declared by England against Holland — Contest of European powers — Depressed condition of affairs — Robert Morris — Foreign loans — Mutiny of the Pennsylvania line — Followed by similar conduct by New Jersey troops — Punishment inflicted — Arnold in Virginia — Plan to take him — Phillips joins Arnold — Lafayette in command — Greene in Carolina — His policy — Morgan's detached force — Battle of the Cowpens — Brilliant victory — Morgan's retreat — Anecdote — Greene takes command — His celebrated retreat — Battle of Guildford Court House — Greene in pursuit of Cornwallis — Cornwallis proceeds to Virginia — Leaves Rawdon in command — Battle of Hobkirk's Hill — Success of Americans against the British posts — Rawdon retires to Monk's Corner — Operations in Georgia, under Pickens and Lee — Greene marches against Ninety-Six — Rawdon compels him to retire — Rawdon's cruelty to Hayne — The summer heat — Battle of Eutaw Springs — Virtual close of the war in South Carolina — Cornwallis in Virginia — Lafayette in command of the American troops — Movements of Cornwallis — Activity of Lafayette — Cornwallis entrenches himself at Yorktown — The French fleet — Washington plans an attack upon New York — Clinton's grand blunder — Washington's letter — Cornwallis besieged — Arnold's plundering expedition in Connecticut — Progress of the siege of Yorktown — Cornwallis surrenders — Exultation of the Americans — Lafayette returns to France — Laurens released from the Tower.

It was not probably expected, that the war with the United States would be the precursor of additional evils to England; but so it was; and the contest extended itself so widely, that it raged in the West Indies, at the rock of Gibraltar, and even on the banks of the Ganges. The vast naval power of England had rendered her haughty and overbearing, and she not only assumed, but exercised with rigorous severity, the right to search all vessels, and seize the property of an enemy, wherever found at sea. The ships of neutral powers, having such property on board, were captured, in accordance with this pretended right; the cargo was confiscated; and the vessels were restored to the owners. The Dutch, and other neutral powers, desirous of profiting by the carrying trade, were greatly vexed at the interference with their commerce by English ships of war. The Dutch conveyed ship timber, and various military stores, into the ports of France. England remonstrated, threatened and then forcibly interfered, by attacking a convoy bound for the Mediterranean. This insult provoked the Dutch extremely, and Holland soon after became involved in the war with England.

The confederacy, known as the *Armed Neutrality*, grew out of the determination of the northern powers to rid themselves of the insolent claims of England in regard to the "right of search." Catharine II., of Russia, was at its head, and Sweden and Denmark immediately joined it. The claims of this confederacy were, that *free ships make free goods.* It was resolved, that

neutral ships should enjoy a free navigation, even from port to port, and on the coasts of the belligerent powers; that all effects belonging to the subjects of the said belligerent powers, should be looked upon as free on board such neutral ships, except only such goods as were stipulated to be contraband; and that no port should be considered under blockade, unless there should be a sufficient force before it to render the blockade effectual. The other European powers were invited to join this confederacy. France and Spain agreed to do so at once; Portugal hesitated, and declined; and the United Provinces delayed for a time, their answer. Meanwhile, Henry Laurens, having been taken prisoner on his way to Holland to solicit a loan for the United States, and his papers having made the British ministry acquainted with the fact, that overtures for a treaty between Holland and America, were under consideration, England, at the close of 1780, resolved upon a war with the States General. Thus, England, by this step, without friend or allies, prepared to wage, single handed, the contest with enemies in every quarter of the globe.

1780.

Our limits do not admit, nor is it necessary that we should enter into the details of the mighty struggle between the contending powers. Their operations were of astonishing magnitude, and victory rested, now on one, now on the other side. Great naval battles were fought with varied success. The allies and the English, alternately the conquerors and the conquered, took each from the other, large fleets of merchantmen; although the English were, in general, the most successful. Several of the West India Islands changed masters during the war. Pensacola was taken by the Spaniards, who thence extended their conquests over the whole province of Florida. America, meanwhile, was not forgotten by either France or England. The former, in addition to the force under Rochambeau, determined to send out a large fleet under the Count de Grasse, which after performing certain services in the West Indies, was to repair to the coast of the United States, and co-operate with Rochambeau and Washington, a measure which ultimately proved of the highest importance to the cause of America. The English, on their part, spared no exertions, to reinforce their army, promptly and efficiently, in the hope that it would not only maintain its former conquests, but still farther extend the progress of the British arms.

1781.

The position of affairs at this date, was, indeed, such as to give hopes to the enemies of liberty, and excite well-founded alarm in the bosoms of its friends. The efforts made in the preceding year, and the successes at the south, had produced the effect of reviving, in great measure, public spirit. But although temporary relief had been afforded, no permanent system of means to supply the returning and increasing wants of the army, had been established; and from this cause, the country seemed to be standing on the verge of ruin.

The situation of Congress was trying in the extreme. The contest was now

one for very existence. A powerful foe was in full strength, in the heart of the country; they had great military operations to carry on, but were almost without an army, and wholly without money. Their bills of credit had ceased to be of any worth; and they were reduced to the mortifying necessity of declaring by their own acts, that this was the fact; as they no longer made them a legal tender, or received them in payment of taxes.* Without money of some kind, an army could neither be raised nor maintained. But the greater the exigency, the greater were the exertions of this determined band of patriots. They directed their agents abroad to borrow, if possible, from France, Spain, and Holland. They resorted to taxation, although they knew that the measure would be unpopular, and that they had not the power to enforce their decree. The tax laid, they apportioned among the several states, by whose authority it was to be collected. Perceiving that there was great disorder and waste, or peculation, in the management of the fiscal concerns, they determined on introducing a thorough reform, and the strictest economy. They accordingly appointed as treasurer, Robert Morris, of Philadelphia; a man, whose pure morals, ardent patriotism, and great knowledge of financial concerns, eminently fitted him for this important station. The zeal and genius of Morris, soon produced the most favorable results. By means of the "Bank of North America," to which, in the course of the year, he obtained the approbation of Congress, he contrived to draw out the funds of wealthy individuals. By borrowing in the name of the government **1781.** from this bank, and pledging for payment the taxes not yet collected, he was enabled to anticipate them, and command a ready supply. He also used his own private credit, which was good, though that of the government had failed; and, at one time, bills signed by him individually, were in circulation, to the amount of $581,000.

While America thus received this great service from the zeal and ability of one of her sons at home, she owed

* "About this time, the old continental money, by common consent, ceased to have currency. Like an aged man, expiring by the decays of nature, without a sigh or a groan, it fell asleep in the hands of its last possessors. By the scale of depreciation, the war was carried on five years, for little more than £1,000,000 sterling, and two hundred millions of paper dollars were made redeemable, by five millions of silver ones. In other countries, such measures would have produced popular insurrections, but in the United States, they were submitted to without any tumults. Public faith was violated, but, in the opinion of most men, public good was promoted. The evils consequent on depreciation had taken place, and the redemption of the bills of credit, at their nominal value, as originally promised, instead of remedying the distress of the sufferers, would, in many cases, have increased them, by subjecting their small remains of property, to exorbitant taxation. The money had, in a great measure, got out of the hands of the original proprietors, and was in the possession of others, who had obtained it at a rate of value, not exceeding what was fixed upon it by the scale of depreciation. Nothing could afford a stronger proof, that the resistance of America to Great Britain, was grounded in the hearts of the people, than these events . . . . . The people saw the necessity which compelled their rulers, to act in the manner they had done, and being well convinced that the good of the country was their object, quietly submitted to measures, which, under other circumstances, would scarcely have been expiated by the lives and fortunes of their authors."—Ramsay's "*History of the American Revolution*," vol. ii., p. 519.

not less to the exertions of another of her patriots abroad.

Franklin, who had been appointed in September, 1778, minister plenipotentiary, at the court of France, obtained from Louis XVI., a gift of six millions of livres, in addition to a loan of four millions; and, as Holland refused to lend to the United States on their own credit, the French monarch granted to the solicitations of the minister his guarantee to the States General; who, on this security, lent to Congress the sum of ten millions of livres.* Spain refused to furnish money to the United States, unless they would renounce the navigation of the Mississippi, a proposition which was peremptorily and steadily refused. The funds thus raised were expended with the utmost prudence. All who furnished supplies, were paid by the treasurer with the strictest punctuality; and public confidence, by degrees, began to spring up in the place of distrust; order and economy, in the room of confusion and waste.

Before these measures had imparted vigor to public affairs, an event occurred, which threatened the most serious consequences. On the 1st of January, 1781, about thirteen hundred of the Pennsylvania line, paraded under arms, refused obedience to their officers, and committed various outrages. They were suffering from the extremity of want. They had enlisted for the term of three years, or during the war. The officers contended, that the meaning of the agreement was, that they were to serve to the end of the war, however distant that end might be; the soldiers, on the other hand, maintained, that they had engaged to serve for three years only, or during the war, if it should terminate before three years should elapse. The mutineers determined to obtain a redress of grievances, and, accordingly, seizing upon six field-pieces, marched off in a body towards Princeton. General Wayne interposed, in the effort to bring the revolters to submission; but on cocking his pistols at some of the most audacious of the mutineers, several bayonets were at his breast, the men exclaiming, "We respect you, General; we love you; but you are a dead man, if you fire! Do not mistake us: we are not going to the enemy; on the contrary, were they to come out, you should see us fight under you with as much resolution and alacrity as ever: but we wish a redress of grievances, and will no longer be trifled with." Through General Wayne's judicious management, the mutineers reduced their demands to writing; which were, a discharge to all who had served three years, an immediate payment of all that was due to them, and that future pay should be made in real money, to all who remained in the service.

A committee of Congress, joined by the president of Pennsylvania, met the mutinous troops at Princeton, and made propositions to them, which proved satisfactory, and they gave up their arms. The British commander hoping to profit by this revolt, sent emissaries among them, making them very tempting offers. These were declined with

* See Sparks's "*Life of Franklin*," p. 468.

indignation, the revolters scorning the idea of turning *Arnolds;* and the emissaries of Clinton were given up, and hanged.

Washington had looked with great anxiety upon this alarming movement. He knew well that there was good ground for discontent, and he was dis-
1781. posed to deal as leniently as possible with men who had felt themselves driven to extremity; but, as it would be suicidal to permit others to attempt similar outbreaks, the commander-in-chief took effectual measures to quell every such attempt. He selected a body of troops in the Highlands, on whom he could rely, and held them in readiness to march at any moment. The precaution was timely; for on the 20th of January, a part of the New Jersey brigade rose in arms, and making the same demands which had been yielded to in the case of the Pennsylvania line, marched to Chatham. Washington immediately dispatched General Howe to march against the mutineers, and to crush the revolt by force, unless the men should yield unconditional submission, and return to duty. His orders were promptly executed. The men, taken by surprise, yielded at once. Two of the ringleaders were shot, and the spirit of mutiny was effectually subdued.

From the position of affairs at the north, the British commander could not hope to accomplish much in that quarter. He was accordingly the more ready to urge forward active operations at the south, where the British arms seemed to meet with success.

About the middle of January, the British fleet was overtaken by a storm off the east end of Long Island, and sustained so much loss and damage as to give the French fleet a temporary superiority on the coast. Destouches, who had become admiral on the death of the Chevalier de Ternay, was prevailed on to seize that opportunity of sending a small force to the Chesapeake Bay to act against Arnold, who had recently gone to Virginia, on a marauding expedition; but that force returned to Newport, without accomplishing any thing except taking the Romulus, a fifty-gun ship, on her way from Charleston to Chesapeake Bay. Washington, unwilling to relinquish the attempt against Arnold, repaired to Newport; and, on the 6th of March, had a conference with the French commanders, at which it was agreed that the whole fleet should immediately sail to the Chesapeake, with a detachment of troops on board; but, owing to unforeseen circumstances, it was the evening of the 8th before the fleet left the harbor. Meanwhile, due notice of the expedition was sent to the American officers commanding in Virginia, and instructions to co-operate with their allies. From this enterprise Washington entertained sanguine expectations of being able to apprehend Arnold; and he directed Lafayette to grant him no terms which would save him from the consequences of his crimes. However, the delay in the sailing of the fleet frustrated the design of the commander-in-chief. Admiral Arbuthnot, having repaired his damages, pursued, and, on the 16th of March, overtook the French fleet, off the Capes of Virginia. An indecisive

engagement ensued, in which each party claimed the victory; but the object of the French expedition was defeated, and the fleet returned to Newport.

Arnold, naturally anxious to display his zeal in behalf of the enemies of his bleeding country, on the 4th of January, landed at Westover, on the James River, a hundred and forty miles from the Capes, and twenty-five miles below Richmond, the capital of Virginia. Steuben was in command at the time in that part of the state; but was unable to do more than hasten the removal of some stores from Petersburg to a place of greater security. Arnold, immediately on landing, marched towards Richmond. A few regulars who were in that vicinity, and some militia, were ordered to impede his progress; but their weak efforts were ineffectual. Meanwhile, Baron Steuben made every exertion to remove the stores from Richmond, carrying them partly across the river, and partly to West Ham at the head of the rapids.

1781.

On the day after landing at Westover, Arnold entered Richmond, with little opposition. There he halted with five hundred men, and sent Lieutenant-colonel Simcoe forward to West Ham, where he burned and destroyed a valuable foundry, a boring mill, a powder magazine, and a considerable quantity of military stores. Simcoe returned to Richmond, where the public property, as well as a large quantity of rum and salt belonging to individuals, were destroyed. After completing the work of destruction at Richmond, Arnold returned to Westover, on the 7th of January; and, after some skirmishing, re-embarked on the 10th, sailed down the river, destroying, on his way, the stores at Smithfield and Mackay's Mills, and on the 20th, arrived at Portsmouth, where he manifested an intention of establishing a permanent post. In this expedition, Arnold, while engaged in burning, and plundering and ravaging, with fiend-like malice, in every quarter, stated his loss at only seven men killed, and twenty-three wounded.

Baron Steuben being in no condition to attack Arnold at Portsmouth, was careful to station his troops at the most convenient passes leading from that place into the country, in order to afford the inhabitants all the protection in his power. It was while Arnold lay at Portsmouth, that Washington entertained strong hopes of being able to apprehend him, and mete out to him the punishment which his crimes so richly deserved. The plan failed, however, as above stated, through the inability of the French to aid in it.

As Arnold's force was not sufficient to make any deep and permanent impression on the powerful state of Virginia, the British commander-in-chief resolved to increase it; and for that purpose, about the middle of March, sent General Phillips, with two thousand chosen men, from New York to Chesapeake Bay. General Phillips arrived at Portsmouth on the 26th; and, being the superior officer, took the command of the British troops in Virginia.

After employing some time in completing the fortifications of Portsmouth, General Phillips began offensive operations. On the 18th of April, he em-

barked two thousand five hundred men on board his smaller vessels, and sailed up James River, in order to destroy every thing that had escaped the ravages of Arnold. He landed at Burrel's Ferry, and marched to Williamsburgh, the former seat of government in Virginia. A small body of militia assembled there, retreated on his approach, and he entered the place without opposition. He sent parties through all the lower district of that narrow tract of land, which lies between James and York Rivers, who destroyed all public stores and property which fell in their way. He then re-embarked, sailed up the river to City Point, where he landed, on the afternoon of the 24th, and next day, marched to Petersburg, where he destroyed an immense quantity of tobacco and other property, together with the vessels lying in the river.

Baron Steuben was unable to make any effectual resistance to this ruthless work of devastation. The regular troops of the state had been sent to reinforce General Greene, and the militia then in the field did not much exceed two thousand. Even although the whole of that number could have been collected at any one point, yet with that kind of force, no enterprise of importance could be undertaken. To have hazarded a battle with the militia against regular troops, would only have been to ensure defeat, the loss of arms, and the consequent discouragement of the country. Baron Steuben had the mortification to see the state laid waste, without being able to relieve it; and, after some slight skirmishing, he retreated towards Richmond..

Arnold was detached to Osborne, a small village on the south side of James River, fifteen miles below Richmond; while General Phillips marched to Chesterfield Court House, which had been appointed the place of rendezvous for the new levies of Virginia, where he destroyed the barracks and some public stores which had not been removed. About half way between Osborne and Richmond, a few small armed vessels, which had been collected to co-operate with the French against Portsmouth, after a slight resistance, were scuttled and set on fire by their crews, who joined the militia and fled. On the 30th of April, Phillips and Arnold marched against Manchester, a small town on the south bank of James River, opposite Richmond, where, as usual, they set fire to the warehouses, and consumed the tobacco and other property.

At that critical and disastrous period in the history of Virginia, Lafayette arrived from the northward, to take the command of the military force in that state. When the attempt was meditated against Arnold, at Portsmouth, he was appointed to command the troops, to be employed in the enterprise; but, on the abandonment of the expedition by the naval force of France, he returned from Annapolis, in Maryland, where he had arrived, and proceeded to the head of Elk River, at which place he received orders from Washington, to take the command of the troops in Virginia.

When Lafayette marched to the

southward, for the enterprise against Arnold, the troops which he carried along with him, were drawn chiefly from the northern states; and, as it was believed the expedition would be of short duration, they were ill provided for a southern campaign, and had imbibed strong prejudices against the climate. When they understood, that the duty would be more permanent than had been at first expected, numbers of them deserted. But, appealing to their honor, Lafayette, at length, succeeded in inspiring his troops with the resolution of braving every danger, and enduring every privation, in the cause of their country. In order to encourage them, that young nobleman, as careless of fortune as he was ambitious of fame, borrowed money on his own personal credit, from the merchants of Baltimore, to purchase shoes, linen, and other necessaries, for his detachment; and the ladies of that city, with patriotic zeal, took charge of immediately making the summer clothes of the troops.

Lafayette arrived at Richmond, with his detachment, on the evening before General Phillips entered Manchester; instead of attempting to pass the river in despite of Lafayette, the British general marched back to Bermuda Hundreds, a point of land formed by the junction of James River and the Appomattox, destroying much valuable property on his way. Embarking his army, he sailed down the river as far as Hog's Island, where the van of his fleet arrived on the 5th of May.

On the return of the British down the river, Lafayette sent small parties to follow them, and watch their motions, while he established his headquarters behind the River Chickahominy, at some distance from Richmond. On the 7th of May, General Phillips received a letter from Cornwallis, informing him of his lordship's march into Virginia, and mentioning Petersburg, as the place at which he expected to meet the British troops in that province. General Phillips immediately returned up the river, landed one division at Brandon, while another proceeded to City Point; and on the 9th, those two divisions met at Petersburg, where their arrival was so unexpected, that they took prisoners some of Lafayette's officers, who had been sent to that place for the purpose of collecting boats, to convey his troops across the river. Meanwhile, General Phillips was seized with fever, and was so ill, on reaching Petersburg, as to be unable to give orders. The progress of his disease was rapid, and he died on the 13th of May, when the command of the troops devolved on Arnold, for a short period before he proceeded to New York, to idle away the summer, and, curiously enough, just in time, to escape the fate that he would have met, had he been found with Cornwallis, at Yorktown. 1781.

General Greene, as we have before stated, (p. 81,) took command of the southern army, in December, 1780. His entire force consisted of about two thousand three hundred men, who, although animated by an earnest desire to defend their country against the ravages of the enemy, were, nevertheless, but ill provided with the means,

successfully to resist a larger and better disciplined force, under Cornwallis. Greene was fully alive to the difficulties of his position, and was aware how much was expected from him. After mature consideration, notwithstanding the great hazard incurred, General Greene resolved to divide his forces, placing part of the troops under the gallant Morgan, and retaining the remainder under his own command; in this way, watching the movements of the enemy, harassing him in every possible manner, and ready to take advantage of any opening which might present itself for an attack.*

Morgan's force consisted of some three hundred and twenty infantry, under Colonel Howard; nearly two hundred riflemen, under Major Triplett, and about eighty light dragoons, under Colonel Washington. With this small force, Morgan was sent to the south of the Catawba, to observe and annoy the British at Wynnsborough and Camden, and to provide for himself and his troops; but was directed to risk as little as possible. On the 25th of December, he took a position towards the western frontier of South Carolina, not far from the confluence of the Pacolet and Broad River, and about fifty miles north-west from Wynnsborough.

With the other division of his army General Greene left Charlotte on the 20th of the same month; and, on the 29th, arrived at Hick's Corner, on the east side of the Peedee, opposite the Cheraw Hills, about seventy miles northeast from Wynnsborough, where he remained some time. He marched to that place in the hope of finding more plentiful subsistence for his troops; but his difficulties in that respect were not much diminished, for the country was almost laid waste by the fierce and destructive contests between the whigs and tories.

1780.

Morgan did not long remain inactive. On the 27th of December, he detached Colonel Washington with his cavalry, and two hundred militia, who next day marched forty miles, and surprised a body of tories near Ninety-Six. Exasperated to the highest degree, by bitter memories of the outrages committed by the tories, the troops fell upon them with uncontrollable fury, and slaughtered nearly the entire party, without the loss of a single man. This blow was felt so acutely, that Cornwallis was unable, at any time subsequently, to persuade the tories to take the field. At this date, Colonel Pickens and Major McCall arrived in camp, with two hundred and sixty mounted Carolinians.

Cornwallis resolved to begin offensive operations immediately on the arrival of reinforcements under General Leslie; but, in the mean time, alarmed by news of Morgan's movements against Ninety-Six, he detached Tarleton, on the 1st of January, with about one thousand men, to strike a blow at Morgan, and if possible, rout him entirely. No doubt was entertained of their being able to accomplish this end immediately.

1781.

Tarleton, on arriving at Ninety-Six,

* See Greene's "*Life of General Greene*," pp. 108–16; and Graham's "*Life of General Morgan*," pp. 258, 9.

found every thing quiet; the Americans had retired after some slight skirmishes. He then determined to march against Morgan, confident of being able either to surprise him, or at least to drive him beyond the Broad River, which would have left the ways clear to the royal army. He consulted Cornwallis by letter, who not only approved his design, but resolved also to aid in its execution, by ascending the left bank of the Broad, in order to menace the rear of Morgan. Every thing went well for them at first. Tarleton, after having passed, with equal celerity and good fortune, the Rivers Ennoree and Tiger, presented himself upon the banks of the Pacolet. Morgan retreated thence forthwith, and Tarleton set himself on the pursuit. He pressed forward with unabated ardor. Morgan felt how full of danger was become the passage of Broad River in the presence of so enterprising an enemy as now hung upon his rear. Confidently relying upon the men under his command, and ably supported by excellent officers, Morgan determined to make a stand. In fact, his safety consisted in giving Tarleton battle.

Informed of Tarleton's arrival, on the night of the 16th of January, Morgan took his position at Cowpens, about six miles from the Broad River.* The eagerness of his troops, although he had less than a thousand men with him at the time, gave him assurance that victory would wait upon the efforts of those who were fighting for their hearths and homes. Very early, on the morning of the 17th, Morgan formed his troops in two divisions; the first composed of militia, under Colonel Pickens, occupied the front of a wood, in view of the enemy: the second, commanded by Colonel Howard, was concealed in the wood itself, and consisted of his marksmen and old continental troops. Colonel Washington, with his cavalry, was posted behind the second division, as a reserve.

Tarleton soon came up, and formed in two lines; his infantry in the centre of each, and his horse on the flanks. Every thing seemed to promise him victory. He was superior in cavalry, and his troops, though fatigued by the exertions already made in pursuit of Morgan, were, nevertheless, eager for the contest.

The British rushed impetuously on a body of marksmen in the front line, which, after a single fire, retired to the militia under Pickens. The British advanced rapidly, and furiously attacked the militia, who fought nobly, but were compelled to give way, and to seek shelter with the reserve behind the hill. Tarleton eagerly pressed on; but the reserve, undismayed by the retreat of the militia, received him firmly, and an obstinate conflict ensued. 1781.
Tarleton ordered up the reserve of infantry and cavalry; and the American line was shaken by the violence of the onset. Colonel Howard, desirous of protecting his right flank, ordered a retrograde movement, which, for the moment, looked like defeat. The British, whose ranks were already thinned by

* For a full and detailed account of this celebrated battle, see Graham's "*Life of General Morgan*," pp. 290-312.

the fierce resistance of the Americans, exhausted by the previous march, and by the struggle in which they had been engaged, and believing the victory won, pursued in some disorder; but, on reaching the top of the hill, Howard ordered his men to wheel and face the enemy; they instantly obeyed, and met the pursuing foe with a well directed and deadly fire. This unexpected and destructive volley threw the British into confusion, which Howard observing, ordered his men to charge them with the bayonet. Their obedience was as prompt as before; and the British line was soon broken. About the same moment, Washington routed the cavalry on the British right, who had pursued the militia on their retreat. Washington charged the enemy sword in hand. The conflict was tremendous, but not of long duration. The British were utterly defeated, and, remembering the odious "Tarleton's quarters," it was with great difficulty that the troops were prevented from taking vengeance on the enemy now in their power. Tarleton,* and a portion of his force escaped; but over two hundred of the British were killed or wounded; and some six hundred were made prisoners. The American loss was only twelve killed and sixty-one wounded.

The victory at the Cowpens was certainly one of the most brilliant that had ever been achieved by American arms; and seldom has a battle, in which the number of combatants was so small, produced such important consequences; for the loss of the light infantry not only considerably diminished the force, but also crippled the movements of Cornwallis during the rest of the campaign.

Cornwallis was at Turkey Creek, twenty-five miles from the Cowpens, confident of Tarleton's success, or at least without the slightest apprehension of his defeat. He was between Greene and Morgan; and it was a matter of much importance to prevent their junction, and to overthrow the one while he could receive no support from the other. For that purpose he had marched up Broad River, and had instructed General Leslie to proceed on the banks of the Catawba, in order to keep the Americans in a state of uncertainty concerning the rout which he intended to pursue; but the unexpected defeat of his detachment was an occurrence equally mortifying and perplexing, and nothing remained but to endeavor to compensate the disaster by the rapidity and decision of his movements.

Cornwallis was nearer the fords of the Catawba than Morgan; and he hoped that, elated with victory and encumbered with prisoners and baggage, that wary officer might yet be overtaken before he could pass those fords. Accordingly, after some hesita- 1781.

* It was to this redoubtable colonel that Mrs. Ashe, a spirited North Carolina lady, made a keen reply, when, at a later date, Tartleton said he had a great desire to see Colonel Washington. He was calling with Cornwallis, at the time, at Colonel Ashe's residence, when he ventured to say what he did. "If you had looked behind you, sir, at the battle of the Cowpens, you would most certainly have seen him!" Truly, we may well believe, that the British officers found the thrusts of the patriotic daughters of the south, quite as sharp and as hard to parry, as the trenchant blades of Washington and his brave cavalry legion.

tion and delay, he formed a junction with General Leslie, and began his pursuit of Morgan. Destroying the whole of his superfluous baggage, he retained no waggons, except those loaded with hospital stores and ammunition, and four empty ones for the accommodation of the sick and wounded. But, ignorant of Morgan's force and movements, notwithstanding all his exertions, he ultimately missed his aim; for Morgan displayed as much prudence and activity after his victory, as bravery in gaining it. Fully aware of his danger, he left behind him, under a flag of truce, such of the wounded as could not be moved, with surgeons to attend them; and, scarcely giving his men time to breathe, he sent off his prisoners, under an escort of militia, and followed with his regular troops and cavalry, bringing up the rear in person. He crossed Broad River at the upper fords, hastened to the Catawba, which he reached on the evening of the 28th of January, and safely passed it with his prisoners and troops the next day; his rear having gained the northern bank only about two hours before the van of the British army appeared on the opposite side. Night coming on, Cornwallis was obliged to delay crossing until morning. A heavy rain fell, and in the morning the ford was impassable; and three days was the impatient Cornwallis obliged to wait, before the subsiding waters allowed him a passage.

In the mean time, General Greene, anxious for the fate of Morgan and his detachment, had left his army under the command of General Huger, to make their way toward the sources of the rivers, where they were fordable, and had himself proceeded with only a few attendants to join Morgan. It was at this juncture that he arrived, on the 31st of January, at the camp of Morgan, and took upon himself the command. Cornwallis, the river having subsided, determined to attempt a passage, which was disputed by a body of militia under General Davidson. This brave officer was mortally wounded, and the British succeeded in crossing the river.*

A grand military race now began between the retreating Americans under Greene, and the pursuing British under Cornwallis. General Greene marched so rapidly that he passed the Yadkin, at the trading ford, on the night between the 2d and 3d of February, partly by fording and partly by means of boats and flats. So closely was he pursued, that the British van was often in sight of the American rear; and a sharp skirmish took place not far

* An anecdote illustrative of the patriotism of the women of the Revolution deserves to be told here. General Greene, greatly grieved at the loss of Davidson, was retreating towards Salisbury. He had ridden all day through rain and storm, and, wearied and exhausted, his garments soiled with mud from the road, he alighted at the door of the principal hotel, kept by Mrs. Steele. In reply to the greeting of Dr. Reed, who anxiously inquired after his health, Greene could not refrain from exclaiming that he was "tired out, hungry, and penniless." The good landlady overheard the remark, and while Greene was obtaining refreshment, she entered the room, carefully closed the door, and producing two small bags of specie, the earnings of years, and particularly valuable at that day, she urged them upon the desponding general. "Take these," she said, "you need them; I can do without them." We may well believe, that encouragement like this, of the deep hold which our country's liberty had upon the hearts of the people, was appreciated by such a man and such a patriot as Nathaniel Greene.

from the ford, between a body of American riflemen and the advance guard of the British army, when the latter obtained possession of a few waggons. General Greene secured all the boats on the south side: and here it again happened as at the Catawba; the river suddenly rose, by reason of the preceding rains, and the British were unable to effect a passage, and pursue the foe so nearly within their grasp.

A furious cannonade was opened on the American encampment by the British on the opposite side of the river. "At a little distance from the river," says an eye-witness, "and behind a pile of rocks, was situated a small cabin. In this General Greene had taken up his quarters, and while his family and some of his staff were amusing themselves as they thought proper, he was busily engaged in preparing his dispatches. At this time the artillery was playing furiously, but seemed to attract no one's attention. At length, however, whether from intelligence or conjecture, their rage seemed to vent itself exclusively at our cabin; and the balls were heard to rebound against the rocks, directly in the rear of it. Little more than its roof showed above them, and at this the firing was obviously directed. Nor were they long without striking it; and in a few moments the clapboards were flying from it in all directions. But still the general wrote on, nor seemed to notice any thing but his dispatches, and the innumerable applications that were made to him from various quarters. His pen never rested, but when a new visitor arrived; and then the answer was given with calmness and precision, and the pen was immediately resumed."

This second escape by the swelling of the waters, was looked upon by the Americans as a visible interposition of Providence in their behalf, and inspired them with a lofty enthusiasm in that cause which seemed to be favored and blessed of Almighty God.

The river being unfordable, and still continuing to rise, all the boats being removed, and the weather appearing unsettled, Cornwallis resolved to march up the south bank of the Yadkin about twenty-five miles, to the shallow fords near its source, which are commonly passable. General Greene, released from the immediate pressure of his pursuers, continued his march northward; and, on the 7th of February, joined his division under Huger and Williams near Guildford Court House. Thus Cornwallis failed in his efforts to recover the prisoners, to retaliate the blow which Morgan had given at the Cowpens, to prevent the junction of the two divisions of the American army, and to overwhelm one or both of them. The failure was not owing to any want of exertion on the part of the British general, but to events equally unforeseen and above the reach of human control.

Cornwallis, unwilling to give up the pursuit, determined to force Greene, if possible, to fight before he received his expected reinforcements. He therefore took up his march towards the Dan, so as to cut off the Americans from passing into Virginia. General Morgan, suffering from a severe attack of rheumatism, was compelled to retire from active service, and Colonel Wil

liams took command of a corps of light troops in his place.* On the 10th of February, Greene left Guilford Court House on his march towards the Dan. His retreat and Cornwallis's pursuit were equally rapid; but the boldness and activity of the American light troops compelled the British to march compactly and with caution; for, on one occasion, Colonel Lee charged the advanced cavalry of the British army suddenly and furiously, killed a number, and made some prisoners. General Greene's precautions and preparations for passing the Dan were successful; and, on the 14th of February, he crossed that river at Boyd's and Irwin's Ferries, with his army, baggage, and stores. Although his light troops had marched forty miles that day, yet the last of them had scarcely reached the northern bank, when the advanced guard of the British army appeared on the other side of the river.

1781.

In this retreat and pursuit of more than two hundred miles, both armies endured excessive fatigue and hardships.† Want of tents, bad roads, heavy rains, swollen rivulets, and scarcity of provisions, were privations and sufferings common to each. The men were often thoroughly wetted, without any means of drying themselves, till the moisture was evaporated by the heat of their bodies. The inclement season of the year aggravated their sufferings. Under these trials, the British soldiers had great advantages; for they were provided with shoes, and comfortably clothed. But the Americans were in rags, and many of them barefooted: the blood flowing from the wounds in their naked feet, marked their line of march; yet they endured all with patient fortitude, and without murmuring.

Grievously disappointed at his ill success, Cornwallis determined to remain in North Carolina, and to collect the loyalists under his standard. With this view, he repaired to Hillsborough, and endeavored to prevail upon the inhabitants to espouse the royal cause. His efforts, however, were not crowned with the success he anticipated. The larger portion of the people hesitated to manifest any attachment to the royal interest. In some instances, however, the British general prevailed upon them to take up arms. He sent Tarleton, with his legion, to the district between the Haw and Deep Rivers, to encourage the rising of the loyalists in that quarter.

General Greene detached Colonel Lee across the Dan, with a body of cavalry, to scour the country, and attack Tarleton. Lee soon overtook a body of tories marching to Cornwallis, under the command of Colonel Pyle. The Americans charged them with vigor, and the tories, supposing them to be Tarleton's legion, and themselves mis-

* It is ordinarily supposed that there was a serious personal difference between Greene and Morgan, previous to the latter retiring from active duty. Mr. Graham devotes several pages to this point, and controverts the general impression. See his "*Life of General Morgan*," pp. 363–68.

† General Greene's military genius was strikingly displayed in the conduct of this celebrated retreat. "You may be assured," were Washington's words, "that your retreat before Cornwallis is highly applauded by all ranks, and reflects much honor on your military abilities."

taken for republicans, declared their attachment to the royal cause, and vociferated the cry, "Long live the king!" Between two and three hundred of them were killed by their enraged assailants, and the survivors compelled to surrender. Tarleton, by a singular coincidence, soon after, met another small body of tories, and slaughtered them without mercy, believing them to be enemies instead of friends. While advancing to encounter Lee, Tarleton was called back by Cornwallis to Hillsborough.

Greene had now received a reinforcement of continental troops, and several bodies of militia. These troops augmented his army to about four thousand five hundred, and no longer wishing to avoid an engagement with the British, he recrossed the Dan, into North Carolina. Making every possible preparation for so important an event, he now marched toward Cornwallis, who had taken post at Guildford Court House. The armies met on the 15th of March. Early in the battle, the North Carolina militia were seized with a panic, and fled, terrified, from the field. The Virginians, however, firmly and resolutely stood the shock of the British onset, and had they been sustained with equal courage by the second Maryland regiment, victory would probably have been on the side of the Americans. Two six-pounders, which the Americans brought into the field, had been lost by the British at Saratoga; they were recovered by Cornwallis at the battle of Camden, were retaken by Morgan at the Cowpens, and, after changing masters several times on the field of Guildford Court House, ultimately on that day remained in possession of the British.

1781.

The battle lasted for nearly two hours: it was one of the most severely contested in the course of the war, and, although Greene was compelled to retire from the field, he nevertheless did so in good order, and reached Speedwell Iron Works, ten miles distant, the same day. The loss of the Americans was not clearly ascertained, but it probably amounted to over a thousand in killed, wounded, and missing. The British loss was more severe, a number of their best officers, and, at least, a third of the troops, having fallen in the battle.

Cornwallis claimed the victory, and endeavored to make the most of it in his proclamation; yet he had gained no permanent advantage. His army, which was weak before, was much diminished. He made every possible exertion, and employed all the means at his disposal to the best advantage. He knew that General Greene's army was much more numerous than his own; but the state of the southern provinces compelled him to fight: for a retreat would have been nearly equivalent to discomfiture. After an obstinate conflict, he had dislodged the enemy from an advantageous position, and driven him from the field; but his embarrassments were not relieved. So far from being able to follow up his victory and pursue the retiring foe, he was obliged to fall back. His army was so much weakened, and the difficulty of finding subsistence in that part of the country was so great, that, on the third day after

the battle, he began a retreat, leaving a number of the wounded, who could not properly be removed, at the Quaker Meeting House, under the protection of a flag of truce. The battle of Guildford Court House was honorable to the valor of Cornwallis and his troops; but it may be considered as the first step in a series of movements which terminated in the overthrow of the British power in America.

The scene was now changed. Heretofore Greene had been retreating before Cornwallis; but now Greene became the pursuer. Though beaten on the field, yet in a few days after, he set out in pursuit of the victor and his army, and for a time harassed the British army on its march to Wilmington. On the 5th of April, Greene altered his course and moved from Ramsay's Mills, on Deep River, towards Camden, where Lord Rawdon was in command. On the morning of the 20th of April, he encamped at Logtown, in sight of the British works. Cornwallis reached Wilmington on the 7th of April, and hesitated whether to proceed to Rawdon's relief, or march into Virginia. The latter course was determined upon; and, after refreshing his troops, he set out on the 25th of April, and reached Petersburg on the 25th of May, where he took command of the British forces in Virginia.

1781.

Lord Rawdon established his headquarters at Camden, a place fortified with great care. The other principal posts of the British in the south were, the city of Charleston, Ninety-Six, and Augusta. They had, however, garrisoned several others of minor importance, so that their forces were much divided. The disaffection of the inhabitants to the British cause, compelled them thus to divide their troops, in order to maintain such points as were necessary to their subsistence, and their communication with each other. The intelligence of the retreat of Cornwallis gave the Americans new hopes and new vigor. Sumpter and Marion, by their bold but prudent movements, were continually gaining advantages over the royalists. They thus made themselves to be regarded as chiefs, who would conduct their followers to glory and success, and not lead them into disgrace or danger; and hundreds flocked to their standard, who were organized into regular companies. Thus they became so powerful, that they were able to hold in check the whole of lower Carolina, while Greene with his army faced Lord Rawdon in the Highlands. That officer, finding that his position was becoming dangerous, strengthened his army by calling in his troops from places not susceptible of defence.

While Rawdon was waiting the arrival of reinforcements under Colonel Watson, General Greene entrenched himself at Hobkirk's Hill, about a mile north of Camden. This was on the 24th of April. The next day, Rawdon, having received from a deserter, such information as induced him to venture upon an attack, marched by a circuitous route and gained the left flank of the enemy undiscovered. The American troops were taken by surprise, but General Greene soon had his army in battle array. Perceiving that the British moved in a solid but

not extended column, he immediately caused them to be attacked at the same time on both flanks and in front. The battle became general and fierce. Rawdon extended his front, bringing forward the Irish volunteers. The steady discipline of the British troops prevailed, and Greene ordered a retreat, which was conducted in good order, the Americans carrying off their baggage, artillery and some prisoners. The loss of the Americans in killed, wounded, and missing, was two hundred and sixty-eight; that of the British was nearly equal.

The victory of Hobkirk's Hill was of no permanent advantage to the British. Rawdon was inferior in cavalry to Greene, and could not pursue the Americans to any purpose. His army was weakened. Greene had retreated no further than Rugely's Mills, twelve miles distant, and his presence operated strongly in rousing the people to resistance against the invaders. Watching Rawdon very closely, and dispatching troops to Marion, in order to obstruct the progress of Watson with his reinforcements, Greene waited the progress of events. Watson arrived at Camden on the 7th of May, and Rawdon resolved to attack Greene; but he relinquished his project on examination of Greene's position.

1781.

In the critical situation in which he was now placed, Rawdon was compelled to evacuate Camden. Accordingly, on the 10th of May, having burned the jail, mills, some private houses, and part of his stores, he retreated towards Charleston. Deprived of supplies by the activity of the Americans, it was wise in Rawdon to retreat while it was in his power. He offered all the assistance he was able to the loyalists who chose to accompany him; but it was a bitter alternative, to abandon their houses and property, or to meet the vengeance of their exasperated countrymen. Several families, dreading the fury of their adversaries, went along with him, but were afterwards cruelly neglected.

After the evacuation of Camden, several of the British posts fell in rapid succession. On the 11th of May, the garrison of Orangeburgh, consisting of seventy militia and twelve regulars, yielded to Sumpter. Marion and Lee, after taking Fort Watson, on the 23d of April, crossed the Santee, and marched against Fort Motte, situated on the south side of the Congaree, a little above its confluence with the Wateree; they invested it on the 8th of May, and pushed forward so vigorously, that, after a brave defence, the garrison, consisting of a hundred and sixty-five men, capitulated on the 12th. Georgetown, a post on the Black River, was reduced by a detachment of Marion's corps; and, on the 15th, Fort Granby, a post at Friday's Ferry, on the south side of the Congaree, thirty miles above Fort Motte, garrisoned by three hundred and fifty men, chiefly militia, surrendered to Lee. Such was the exasperated state of feeling at the time, that Lee's militia wished to violate the capitulation, and to put to death such of their countrymen as were found in the place. In order to check this vindictive spirit, General Greene found it necessary to declare that he

would capitally punish any and every such violation of truth and right.

The presence of Greene's army, the activity and success of his adherents, and the retreat of Rawdon, caused the smothered disaffection of the inhabitants to burst into a flame; and the greater part of the province openly revolted from the British authority. In that critical emergency, Rawdon retreated to Monk's Corner, a position which enabled him to cover those districts from which Charleston drew its more immediate supplies, where he was secure from disaster, and ready to seize and improve any favorable occurrence. General Greene, having succeeded in reducing so many of the British posts, and in forcing Lord Rawdon to retire to Monk's Corner, did not think it expedient to follow his lordship, but turned his attention to the western parts of the province, and to the upper posts in Georgia. He ordered Pickens to assemble the militia of Ninety-Six; and, on the day after the surrender of Fort Granby, sent Lee to join him.

On the reduction of Georgia and South Carolina by the British, in 1780, many of the most determined friends of Congress in the upper parts of those states, retreated across the mountains, or fled into North Carolina; but the greater number, despairing of the popular cause, submitted to the conquerors, flattering themselves with the hope of being allowed to live in peace, and in the secure enjoyment of their property. But when they found themselves treated with overbearing insolence, plundered with unsparing rapacity, and compelled to take up arms against their countrymen, their feelings underwent an entire change, and a spirit of bitter hostility to the royal authority was engendered.

When the British army, leaving only feeble garrisons behind, marched to the northward in the career of victory and conquest, this spirit soon manifested itself. Colonel Clarke, with some adherents, marched against the British garrison, at Augusta. But Lieutenant-colonel Cruger, who commanded at Ninety-Six, proceeded to the relief of Colonel Brown, the commandant of Augusta. Clarke was obliged to flee, and that premature insurrection was suppressed. Such of Clarke's adherents as fell into the hands of Colonel Brown were treated with the utmost rigor. But the spirit of opposition to the royal authority, though damped, was not extinguished: armed parties, commonly acting without any concert, daily multiplied, and disturbed the peace of the British garrisons. Captain M'Koy, with a few daring adventurers, infested the banks of the Savannah, and took some boats going up the river with supplies to Augusta: he defeated a party sent against him by Colonel Brown; but, though joined by Colonel Harden and his band, he was afterwards defeated by Brown, and his followers for a while dispersed.

These desultory encounters were now succeeded by more regular and steady operations. Colonel Clarke, with indefatigable zeal, had again returned to his native province; and a number of militia, under General Pickens, assembled in the vicinity of Augusta. On the fall of Fort Granby, Colonel Lee

without delay marched toward Pickens' camp, and in four days effected a junction with him. Their first attempt was against Fort Golphin or Dreadnought, at Silver Bluff, on the Carolina side of the Savannah, which was garrisoned by seventy men: on the 1st of May, it surrendered to a detachment of Lee's legion, under Captain Rudolph.

Pickens and Lee now turned their united arms against Fort Cornwallis, at Augusta: they carried on their approaches against the place with skill and activity; but Colonel Brown made a most obstinate defence. In the course of the siege several batteries were raised which overlooked the fort, and two of them were within thirty yards of the parapet; from these the American riflemen fired with such deadly aim, that every man who showed himself, was instantly shot. The garrison almost buried themselves underground; but their valor was unavailing, and, on the 5th of June, they, to the number of three hundred men, surrendered by capitulation. The Americans had about forty men, killed or wounded, in the course of the siege.

The British officers at Augusta, by their severities, had rendered themselves singularly obnoxious to the inhabitants of the surrounding country; and, after the surrender, Colonel Grierson was shot dead, by some unknown person, and Colonel Brown was saved only from instant punishment for his outrages, by being sent under an escort to Savannah.

While these operations were going on in Georgia, General Greene with his troops marched against Ninety-Six, in South Carolina. The place was well fortified, and Colonel Cruger was in command, with about five hundred and fifty men. Rawdon sent messengers to Cruger, to abandon the post, and retire to Augusta, but these messengers never reached Ninety-Six, and accordingly Cruger held out. Towards the close of May, Greene invested the post, and made regular approaches. The garrison was summoned to surrender, on the 3d of June, but refused positively. The siege was pushed on with vigor, and no doubt the Americans would ultimately have been successful, had not Rawdon, reinforced by the arrival of troops from England, marched from Charleston with two thousand men, to relieve Cruger. On the 18th of June, an assault was made, but as it did not result in carrying the fort, Greene, on the 20th, crossed the Saluda, and retreated before Rawdon.* That officer set out in pursuit. but did not continue it long.

General Greene's retreat ceased with the pursuit. Lord Rawdon found it necessary to evacuate Ninety-Six, and contract his posts; and as the loyal inhabitants of that district durst not await the vengeance of their enraged countrymen, he left more than half his force under Colonel Cruger, to escort them on their removal; and, after remaining only two days at Ninety-Six, began his march to the Congaree, with eight hundred infantry and six hundred cavalry, expecting to be there joined by a strong

* While General Greene was in this position of affairs, he was advised to abandon the contest and retire to Virginia with the force he had remaining. To all such advice he replied, "I will recover South Carolina, or die in the attempt!"

reinforcement, which had been ordered from Charleston. That reinforcement had not set out so early as was intended, and the letter informing Rawdon of the delay, had been intercepted.

The British commander probably believed that General Greene was driven out of South Carolina; but that officer had only retreated behind Broad River; and no sooner did he hear of the division of the British forces, than he returned towards the Congaree. Soon after Rawdon's arrival on the last named river, one of his foraging parties was surprised by Lee's legion, within a mile of the British camp, and about forty cavalry made prisoners. The appearance of the American light troops in that part of the country, convinced his lordship that General Greene was not far off. He retreated towards Orangeburgh, where he arrived in safety, after some interruption from the American light troops, and where he was joined by the expected reinforcements from Charleston, under Colonel Stuart. That reinforcement Marion endeavored to interrupt, but failed in his main purpose, and gained only a few waggons.

On the Congaree, General Greene was joined by Marion and Sumpter, with one thousand men; and, on the 11th of July, marched towards Orangeburgh, with the intention of attacking the British army in its camp: but, on arriving there next day, found it so strongly posted, that he did not venture to make any attempt on it. While there, General Greene was informed that Ninety-Six had been evacuated, and that Colonel Cruger was on his march to Orangeburgh; but the river, which, for thirty miles, was passable at no point, except that commanded by Rawdon's position, presented an insuperable barrier to any attempt on Cruger. General Greene, therefore, retreated over the Congaree, and marched to the high hills of Santee. In order, however, to alarm Rawdon for his lower posts, he, on the 13th of July, when leaving the vicinity of Orangeburgh, detached Sumpter, Marion, and Lee, towards Monk's Corner and Dorchester. Lee captured a number of waggons, with provisions and stores. Colonel Hampton made a gallant dash upon a party of British dragoons within sight of Charleston, and carried off fifty prisoners. Sumpter made an attack upon the British, under Colonel Coates, at Biggin's Church: Coates retreated in the night, and was vigorously pursued by the Americans; but after a sharp contest, he succeeded in effecting his retreat.* 1781.

The weather now became extremely warm; and in that climate, the intense heat of summer, as effectually stops military operations, as the rigor of winter in higher latitudes. In that interval of inaction, Rawdon availed himself of leave of absence, obtained some time before on account of ill health, and embarked for Europe.† On his

* See Mr. Simms's "*Eutaw; a Tale of the Revolution*," p. 310, etc. Also, Marshall's "*Life of Washington*," vol. ii., pp. 13, 15.

† It was just before his departure, that Lord Rawdon signalized himself, by an act of vindictive cruelty, which has left an indelible blot upon his name. The execution of Colonel Isaac Hayne, will never be forgotten, and the indignation which it excited throughout the country, came near to leading to the most

departure, the command of the troops at Orangeburgh devolved on Colonel Stuart.

General Greene reached the high hills of Santee, on the 16th of July, and remained there till the 22d of August. For six months, his army had been incessantly employed in marching and fighting; and though he had gained no victory, and had been repulsed, from the siege of Ninety-Six, yet he had not only kept the field, but had compelled the British to abandon all their posts in the interior parts of the country. The activity, prudence, courage, and perseverance of General Greene, were beyond all praise, and he received the merited thanks of every lover of his country.

The British having resumed their station on the south side of the Congaree, General Greene concerted measures for forcing them a second time from their posts in this quarter. After a tedious circuit, with a portion of his men almost naked, and the rest miserably clad, he crossed the Wateree and Congaree, and was soon after joined by General Pickens, with the Ninety-Six militia, and by General Marion, with the troops under his command. The whole American force being thus collected, very early, on the morning of the 8th of September—we quote the account of Gordon*—Greene proceeded to attack the British army under command of Colonel Stuart, who had retired from the Congaree about forty miles, and taken post at the Eutaw Springs, sixty miles north of Charleston. The Americans and British were nearly equal in number, about two thousand; but new-raised levies and militia, formed the greatest part of the first. Greene drew up his troops in two lines. The front consisted of the militia from North and South Carolina, and was commanded by Marion, Pickens, and Colonel de Malmedy. The second consisted of the continental troops from North Carolina, Virginia, and Maryland, and were led on by General Sumner, Lieutenant-Colonel Campbell, and Colonel O. Williams. Lee, with his legion, covered the right flank, and Henderson with the state troops, the left. Washington with his cavalry, and Captain Kirkwood, with the Delaware troops, formed a corps de reserve. They marched at four o'clock in the morning, and fell in with two advanced parties of the British about four miles ahead of their main army; these, being briskly charged by the legion and state troops, soon retired. The front line advanced, and continued firing and advancing on the British, till the action became general, when they in their turn were obliged to give way. They were well supported by General Sumner's North Carolina brigade of Continentals, though they had been under discipline only for a few weeks, and were chiefly composed of militia men, who had been transferred to the continental service, to make reparation for their precipitate flight in former actions. In the hottest of the engagement while great execution was

severe retaliatory measures. For a full account of this whole matter, the reader is referred to Gordon's "*History of the American Revolution*," vol. iii., pp. 202–5.

* Gordon's "*History of the American Revolution*," vol. iii., p. 242.

doing on both sides, Williams and Campbell, with the Maryland and Virginia continentals, were ordered by Greene to charge with trailed arms. Nothing could surpass the intrepidity of both officers and men, on this occasion. They pushed on in good order, through a heavy cannonade, and a shower of musketry, with such unshaken resolution, that they bore down all before them. Lee, with great address and good conduct, turned the left flank of the British, and attacked them at the same time in the rear. Henderson being wounded early in the action, the South Carolina state troops were led on by Lieutenant-Colonel Hampton, the next in command, to a very spirited and successful charge, in which they took upward of one hundred prisoners. The British were routed in all quarters. Washington brought up the corps de reserve on the left, and charged so briskly with his cavalry, and Kirkwood's infantry, as gave the enemy no time to rally or form. They were closely pursued. On their retreat, numbers threw themselves into a strong brick house; others took post in a picketed garden, and among impenetrable shrubs. The eagerness of the Americans urged them to attack the enemy in these positions. Washington made every possible exertion to dislodge them from the thickets; but failed, had his horse shot under him, was wounded, and taken prisoner. Four six-pounders, two of which had been abandoned by the enemy, were ordered up before the house, and pushed on so much under the command of the fire from thence and the thickets, that they could not be brought off again, when Greene, judging all further efforts improper, ordered the troops to retire.

The Americans collected all their wounded, except those under the command of the fire of the house, and retired to the ground from which they marched in the morning, there being no water nearer, and the troops ready to faint with the heat and want of refreshment; the action having continued near four hours, and been by far the hottest Greene ever saw, and the most bloody for the numbers engaged. He left a strong picket on the field of battle.

In the evening of the next day, Lieutenant-Colonel Stuart destroyed a great quantity of his stores, abandoned the Eutaw, and moved towards Charleston, leaving upwards of seventy of his wounded, and one thousand stand of arms. He was pursued for several miles, but without effect. Though Major M'Arthur joined him, with a large reinforcement, fourteen miles below the Eutaw, the action was not renewed. Indeed, the loss of the British was heavy: five hundred were taken prisoners, including the wounded left behind them: they scarcely suffered less in killed, and the wounded whom they carried off. Several of their officers were paroled on the field of battle; two were killed, and sixteen wounded. The Americans had one hundred and fourteen killed, three hundred wounded, and forty missing, in all four hundred and fifty-four: officers killed and mortally wounded, twenty-two; wounded, thirty-thine; in all sixty-one. Among the killed, Lieutenant-Colonel Camp-

beil, of the Virginia line, was the theme of universal lamentation. While, with great firmness, he was leading on his brigade to that charge which determined the fate of the day, he received a mortal wound. After his fall, he inquired who gave way, and being informed the British were fleeing in all quarters, he added, "I die contented!" and immediately expired.

The success of the American army in the first part of the engagement, spread such an alarm, that the British burned their stores at Dorchester, and evacuated their posts near Monk's Corner. The gates of Charleston were shut, and a number of negroes employed in felling trees across the road on the neck. The number of Greene's force actually engaged was one thousand four hundred regulars, and five hundred militia, in all one thousand nine hundred; of these five hundred and forty-seven, including seventy-two subalterns and sergeants, were killed or wounded. Such was the heat of the action, that the officers on each side fought hand to hand, and sword to sword. The British could not compel the continentals to give way, though the militia were obliged to retire. Congress resolved, October 29th, to honor Greene with a British standard and a gold medal; and voted their thanks to the different corps and their commanders.

After the action, the Americans retired to their former position, on the high hills of Santee, and the British took post in the vicinity of Monk's Corner. While they lay there, a small party of American cavalry took upwards of eighty prisoners within sight of their main army. They no more acted with their usual vigor. On the slightest appearance of danger, they discovered a disposition to flee, not much inferior to what was exhibited the year before by the American militia.

With the battle of Eutaw Springs, the war was virtually closed in South Carolina. At the commencement of the campaign, the British were in force all over the state; at its close they durst not, but with great precaution, venture twenty miles from Charleston. A few excursions were made, and several rencontres happened, but they were none of them of consequence. Toward the end of November, General Greene, with a detachment of his army, suddenly appeared before the British post at Dorchester; and, after some skirmishing, the British garrison retired to the vicinity of Charleston. Greene posted his troops on both sides of the River Ashley; completely covered the country from the Cooper to the Edisto; and confined the British to Charleston Neck, and the neighboring islands. In Georgia, the British force was concentrated at Savannah. During the entire service of the campaign, General Greene was greatly assisted by a small, but active, indefatigable, and daring body of cavalry. It was during this campaign, that an expedition was successfully conducted by General Pickens against the Cherokees, who had been instigated to take up the hatchet against the Americans. The savages were vanquished, and compelled to sue for peace.

Lord Cornwallis, as mentioned on a

previous page, supposing that Lord Rawdon would be able to hold Carolina against General Greene, had proceeded to Petersburg, in Virginia. Here he received the unwelcome news of General Phillips's death; but had the consolation of meeting with a fresh reinforcement of about one thousand eight hundred men, whom Sir Henry Clinton had sent to support the war with vigor. Lord Cornwallis, on taking the command, felt himself so superior to the American force, that he exulted in the prospect of success; and, despising the youth of Lafayette, unguardedly wrote to Great Britain; "the boy cannot escape me!" The marquis's little army consisted of one thousand continentals, two thousand militia, and sixty dragoons. Cornwallis proceeded from Petersburg to James River, which he crossed, in order to dislodge Lafayette from Richmond; it was evacuated on the 27th. His lordship then marched through Hanover county, and crossed the South Anna River, Lafayette constantly following his motions, but at a guarded distance, in every part of his progress. His lordship at one time planned the surprisal of Lafayette, while on the same side of James River with himself; but was diverted from his intention by a spy, who had been sent into his camp. Lafayette was very desirous of obtaining full intelligence concerning Cornwallis, and concluded upon prevailing, if possible, upon one Charles (generally called Charley) Morgan, a Jersey soldier, of whom he had entertained a favorable opinion, to turn deserter, and go over to the British army, in order to his executing the business of a spy more effectually. Charley was sent for, and agreed to undertake the hazardous employ; but insisted, that in case he should be discovered and hanged, Lafayette, to secure his reputation, should have it inserted in the Jersey paper, that he was sent upon the service by his commander. Charley deserted, and when he had reached the royal army, was carried before Cornwallis, who inquired into the reason of his deserting, and received for answer—"I have been, my lord, with the American army from the beginning, and while under General Washington was satisfied; but being put under a Frenchman, I do not like it, and have left the service." Cornwallis commended and rewarded his conduct. Charley was very diligent in the discharge of his military duty, and was not in the least suspected, but at the same time carefully observed all that passed. One day, while on particular duty with his comrades, Cornwallis, in close conversation with some officers, called Charley to him, and said, "How long time will it take the marquis to cross James River?" Charley paused a moment, and answered, "Three hours, my lord." His lordship exclaimed, "Three hours! why it will take three days." "No, my lord," said Charley, "the marquis has so many boats, and each boat will carry so many men. If your lordship will be at the trouble of calculating, you will find he can cross in three hours." His lordship turned to the officers, and in the hearing of Charley, remarked, "The scheme will not do." Charley concluded this was the moment for his returning to La-

fayette. He, as soon as possible, plied his comrades with grog, till they were well warmed, and then opened his masked battery. He complained of the wants that prevailed in the British camp, commended the supplies with which the American abounded, expressed his inclination to return, and then asked, "What say you, will you go with me?" They agreed. It was left with him to manage as to the sentries. To the first he offered, in a very friendly manner, the taking a draught of rum out of his canteen. While the fellow was drinking, Charley secured his arms, and then proposed his deserting with them, to which he consented through necessity. The second was served in like manner. Charley Morgan, by his management, carried off seven deserters with him. When he had reached the American army, and was brought to head-quarters, Lafayette upon seeing him, cried out, "Ha! Charley, are you got back?" "Yes, and please your excellency, and have brought seven more with me," was the answer. When Charley had related the reason of his returning, and the observations he had made, Lafayette offered him money; but he declined accepting it, and only desired to have his gun again. Lafayette then proposed to promote him to the rank of a corporal or sergeant. To this Morgan replied: "I will not have any promotion. I have abilities for a common soldier, and have a good character; should I be promoted, my abilities may not answer, and I may lose my character." He however nobly requested for his fellow soldiers, who were not so well supplied with shoes, stockings and clothing as himself, that Lafayette would promise to do what he could to relieve their distresses, which he easily obtained.*

Lord Cornwallis was informed about this time, that a number of the principal men of Virginia, were assembled in convention, at Charlotteville, to regulate the affairs of the province, and that Baron Steuben was posted at the Point of Fork, situated at the junction of the rivers James and Rivana. The Americans had established at this place magazines of arms and munitions of war. These advices, added to the consideration that this part of the territory, not having yet been the theatre of war, was likely to abound in every kind of supplies, determined Lord Cornwallis to attempt, first of all, the expeditions of Charlotteville, and the Point of Fork. He committed the first to Tarleton, the second to Simcoe. Both were crowned with success. 1781.

The first, by the rapidity of his march, arrived so unexpectedly upon the city, that he seized a number of deputies, and made himself master of a considerable quantity of warlike stores and provisions. But the personage, whom he had it most at heart to secure, was one of those who escaped him, and that was Thomas Jefferson, afterwards one of the most distinguished men in the United States; having had the good fortune to be timely apprised of the approach of the British troops, he put himself out of their reach; not, however, without having first provided

* Gordon's "*History of the American Revolution*," vol. iii., p. 207.

for the safety of no small quantity of arms and ammunition.

If Tarleton had sometimes complained of the too great benignity of his comrades, no one, assuredly, could make him the same reproach. His rapacity and cruelty no longer observed any bounds; nothing was sacred in his sight, nothing escaped his barbarous hands.

Simcoe, on his part, had moved with equal celerity against Baron Steuben. That general might have made a vigorous resistance; but supposing that he was attacked by the entire British force, he made a precipitate retreat.

When Colonels Tarleton and Simcoe were returned to camp, Lord Cornwallis, traversing a rich and fertile country, marched upon Richmond, on the 17th of June, and, a little after, upon Williamsburg, the capital of Virginia. His light troops, however, could no longer forage at large; Lafayette had joined Baron Steuben, and, having been reinforced by the Pennsylvania regiments of General Wayne, he found himself, with a force of four thousand men, in a situation to watch all the movements of the British army, and to cut off the parties that ventured to stray from it. Cornwallis received at this same time, orders from General Clinton, requiring him to re-embark a part of his troops for New York. Not that Clinton meditated any important stroke; but he had been advised of the approach of the allies, and he expected to see the storm burst upon his head. He feared at the same time for New York, Staten Island, and Long Island; his force was not sufficient for their defence. In order to obey, Cornwallis, early in July, marched his troops towards the banks of the James river. He intended, after having passed it, to repair to Portsmouth, where he purposed despatching the corps destined for New York. But as Lafayette followed him extremely close, he found himself constrained to make a halt upon the left bank of the river, and to take possession of a strong position, in order to repress the impetuosity of his adversary, and give time to his troops for passing the artillery, munitions and baggage, to the other side. He encamped, therefore, along the river, having his right covered by a pond, and the centre and left by swamps.

Meanwhile, the American van-guard, commanded by General Wayne, had advanced very near. The English despatched spies among the Americans, in order to make them believe that the bulk of the royal army had already passed to the right bank, and that only the rear-guard remained upon the left, consisting of the British legion and some detachments of infantry. Whether the Americans allowed themselves to be caught in this snare, or that they were hurried away by an inconsiderate valor, they fell with great fury upon the royal troops. Already the regular regiments of Pennsylvania, led by General Wayne, had passed the swamp, and fiercely assailed the left wing of the royalists; and notwithstanding the great superiority of the enemy, the assailants appeared nowise daunted. But the English having passed the pond, advanced against the left wing, which consisted entirely of militia.

Having dispersed it without difficulty, they showed themselves upon the left flank of Wayne. At the same time, extending their own left beyond the swamp, they had turned his right, and manifested an intention of surrounding him on every side. Lafayette perceived this manœuvre, and immediately directed Wayne to fall back. He was unable to execute this movement, without leaving two pieces of cannon in the power of the enemy. Lafayette remained some time at Green Springs, in order to collect the scattered soldiers. Cornwallis re-entered his entrenchments. The approach of night, and the nature of the country, broken with woods and marshes, prevented him from pursuing the Americans.

The next morning, before sunrise, he detached his cavalry upon the route which had been taken by Lafayette, with orders to hang upon his rear, and harass him as much as possible. All the harm it did him, consisted in the taking of a few soldiers who had lagged behind. Perhaps, if Cornwallis had advanced the following day with all his force, he might have cut off Lafayette entirely. But all his views were directed towards Portsmouth, in order to embark the troops there which Clinton expected at New York. When he had passed the James river with his whole army, he accordingly hastened to Portsmouth: but, upon a strict examination of places, he was convinced that they did not offer him a position suitable by its strength and other advantages, to favor the ulterior designs of Clinton. He proceeded, however, with diligence, to embark the troops. In the meantime, he received new instructions from Clinton, directing him to return to Williamsburg, to retain all the troops he had with him, and, instead of Portsmouth, to make his place of arms at Point Comfort, in order to have, in any event, a secure retreat.

Two principal causes had determined General Clinton, to embrace this new resolution: he had received from Europe a reinforcement of three thousand Germans; and he was influenced, besides, by a desire to open himself a passage, by way of Hampton and the James river, towards that fertile and populous part of Virginia, which lies between the James and York rivers. But Point Comfort, on attentive examination, was found an equally unfavorable and defective position for an entrenched camp, and no less incompetent than Portsmouth, for the purposes in view. It was therefore determined to relinquish the design of fortifying it. The plan of future operations requiring, however, the occupation of a fixed point in the country, comprehended by the above-mentioned rivers, Lord Cornwallis resolved, on the 1st of August, to repass James river, with all his army, and take up his head-quarters at Yorktown. Lafayette was desirous to oppose his passage; but the Americans that were in his camp, would not consent to march lower down towards Portsmouth. 1781.

Yorktown is a village situated upon the right bank of the York river, and opposite to another smaller town called Gloucester. The latter is built upon a point of land, which projects into the river from the left side, and which con-

siderably diminishes the breadth of its channel. The water is deep there, and capable of receiving the largest ships of war. On the right of Yorktown, flows a marshy stream; in front of the place, for the distance of a mile, the ground is open and level. In advance of this plain, is a wood, whose left extends to the river, and whose right is bordered by a creek. Beyond the wood, the country is cleared and cultivated. Cornwallis, by the 22d of August, succeeded in entrenching himself on this ground, in the strongest possible manner. Lafayette, on his part, took such position as would enable him to watch the movements of the British, and, as far as practicable, prevent their foraging in the country. The admirable qualities which he had displayed, in the responsible station in which he had been placed by Washington, called forth the warmest encomiums from the commander-in-chief.

The French court, who had watched attentively the position and progress of affairs in America, determined to send such naval force to the United States, as would give them a superiority over the British, and enable Washington to strike a decisive blow in behalf of his country. In accordance with this design, the Count de Grasse set sail in March, of this year, from Brest, with twenty-five ships of the line, several thousand land forces, and a large convoy, amounting to more than two hundred ships. A small part of this force was destined for the East Indies; but De Grasse, with the greater part, sailed for Martinique.

1781.

The British fleet, then in the West Indies, had been previously weakened by the departure of a squadron, for the protection of the ships which were employed in carrying to England the booty which had been taken at St. Eustatius. The British admirals, Hood and Drake, were detached, to intercept the outward bound French fleet, commanded by Count de Grasse; but a junction between his force and eight ships of the line, and one of fifty guns, which were previously at Martinique and St. Domingo, was nevertheless effected. By this combination of fresh ships from Europe, with the French fleet previously in the West Indies, they had a decided superiority. De Grasse, having finished his business in the West Indies, sailed in the beginning of August, with a prodigious convoy. After seeing this out of danger, he directed his course immediately for the Chesapeake.

Towards the close of May, Washington had held an interview with the Count de Rochambeau, at Weathersfield, in Connecticut, at which it was determined to lay siege to New York. Counting upon the assistance of De Grasse, who was expected early in the summer, Washington called earnestly for troops from the New England states, and was not without confident hope of ultimate success against New York. The French troops marched from Rhode Island, in June, and early in the following month, joined the American army. At the same time, Washington marched his army from their winter encampment, near Peekskill, to the vicinity of Kingsbridge. General Lincoln fell down the Hudson, with a detachment in boats, and took

possession of the ground where Fort Independence formerly stood. An attack was made upon him, but was soon discontinued. The British, about this time, retired, with almost the whole of their force, to York Island. Washington hoped to be able to commence operations against New York, about the middle, or, at farthest, the latter end of July. Flat-bottomed boats, sufficient to transport five thousand men, were built near Albany, and brought down the Hudson, to the neighborhood of the American army, before New York. Ovens were erected opposite to Staten Island, for the use of the French troops. Every movement introductory to the commencement of the siege was made.

In the meantime, Washington was disappointed in his expected recruits. Instead of twelve thousand regular troops, which he was to have had, he found, at the beginning of August, that he could hardly muster five thousand, a number by no means adequate to the projected siege. He learned that De Grasse, who was daily expected, could not remain on the American coast longer than October, and finally, that his destination, was the Chesapeake. From these considerations, Washington suddenly changed his plan of operation, and determined, if possible, to take Cornwallis in the snare which he seemed to be preparing for himself.

1781.

While the attack on New York was in serious contemplation, a letter from Washington, detailing the particulars of the intended operations of the campaign, being intercepted, fell into the hands of Sir Henry Clinton. After the plan was changed, the royal commander was so much under the impression of the intelligence contained in the intercepted letter, that he believed every movement towards Virginia, to be a feint, calculated to draw off his attention from the defence of New York. Under the influence of this opinion, he labored in every way to strengthen that post; and suffered the American and French troops to march southwardly without molestation. When the opportunity of striking at them had passed, then, for the first time, he was astounded by the conviction, that the allies had fixed on Virginia, for the theatre of their combined operations. As truth, to use the words of Dr. Ramsay, may be made to answer the purposes of deception, so no feint of attacking New York could have been more successful than the real intention.

In connection with this point, we cannot refrain from quoting a passage from one of Washington's letters, written some years later. In reply to the inquiries made of him, Washington states, "that a combined operation of the land and naval forces of France in America, for the year 1781, was preconcerted the year before; that the point of attack was not absolutely agreed upon,* because it could not be foreknown where the enemy would be most susceptible of impression; and, because we (having the command of the water, with sufficient means of conveyance) could

* Because it would be easy for Count de Grasse, in good time before his departure from the West Indies, to give notice, by express, at what place he could most conveniently first touch to receive advice.

transport ourselves to any spot, with the greatest celerity; that it was determined by me, nearly twelve months beforehand, at all hazards, to give out, and cause it to be believed by the highest military, as well as civil officers, that New York was the destined place of attack, for the important purpose of inducing the eastern and middle states, to make greater exertions in furnishing specific supplies, than they otherwise would have done, as well as for the interesting purpose of rendering the enemy less prepared elsewhere; that, by these means, and these alone, artillery, boats, stores, and provisions, were in seasonable preparation, to move with the utmost rapidity, to any part of the continent; for the difficulty consisted more in providing, than knowing how to apply the military apparatus; that, before the arrival of the Count de Grasse, it was the fixed determination, *to strike the enemy in the most vulnerable quarter*, so as to insure success with moral certainty, as our affairs were then in the most ruinous train imaginable; that New York was thought to be beyond our effort, and consequently, that the only hesitation that remained, was between an attack upon the British army in Virginia, and that in Charleston; and finally, that, by the intervention of several communications, and some incidents, which cannot be detailed in a letter, the hostile post in Virginia, from being a provisional and strongly expected, became *the definitive and certain object* of the campaign.

"I only add, that it never was in contemplation to attack New York, unless the garrison should first have been so far degarnished, to carry on the southern operations, as to render our success in the siege of that place as infallible as any future military event can ever be made. For I repeat it, and dwell upon it again, some splendid advantage, whether upon a larger or smaller scale was almost immaterial, was so essentially necessary, to revive the expiring hopes and languid exertions of the country, at the crisis in question, that I never would have consented to embark in any enterprise, wherein, from the most rational plan and accurate calculations, the favorable issue should not have appeared to my view as a ray of light. The failure of an attempt against the posts of the enemy, could, in no other possible situation during the war, have been so fatal to our cause.

"That much trouble was taken, and finesse used, to misguide and bewilder Sir Henry Clinton, in regard to the real object, by fictitious communications, as well as by making a deceptive provision of ovens, forage, and boats in his neighborhood, is certain; nor were less pains taken to deceive our own army; for I had always conceived, where the imposition does not completely take place at home, it would never sufficiently succeed abroad."

Acting upon this well concerted plan, Washington broke up his camp at New Windsor, and advanced upon Kingsbridge, on the 21st of July. The French force, under Rochambeau, consisting of five thousand men, had marched from Rhode Island, and joined him. Various movements were made, which seemed to threaten a

speedy attack upon the British lines. On the 19th of August, a body of troops was sent across the Hudson, at Dobb's Ferry, apparently for the purpose of establishing a permanent post in that vicinity. On the 20th and 21st, the main body of the Americans passed the river at King's Ferry; but the French made a longer circuit, and did not complete the passage till the 25th. Desirous of concealing his object as long as possible, Washington continued his march some time in such a direction, as still to keep up the appearance of threatening New York. When concealment was no longer practicable, he marched southward, with the utmost celerity. His movements had been of such a doubtful nature, that Clinton's eyes were not opened to his real destination, till he had crossed the Delaware.

1781.

On the 30th of August, the combined armies entered Philadelphia, where they were received with demonstrations of public rejoicing. Towards the end of August, De Grasse cast anchor, just within the capes, extending across from Cape Henry to the middle ground. There an officer from Lafayette waited on the count, and gave him full information concerning the posture of affairs in Virginia, and the intended plan of operations against the British army in that state.

Cornwallis was diligently fortifying himself at York and Gloucester. Lafayette was in a position, on James river,, to prevent his escape into North Carolina, and the combined army was hastening southward to attack him. In order to co-operate against Cornwallis, De Grasse detached four ships of the line and some frigates, to block up the entrance of York river, and to carry the land forces which he had brought with him, under the Marquis de St. Simon, to Lafayette's camp. The rest of his fleet remained at the entrance of the bay.

Washington, making the necessary arrangements for the transportation of his army, proceeded in person to Virginia, attended by Count de Rochambeau; and on the 14th of September, he joined Lafayette at Williamsburg.

The allies needed artillery, and other preparations for besieging, as Cornwallis had strengthened his works, and could only be overcome by a regular siege. These they expected from Rhode Island, to be brought by a French squadron, commanded by the Count de Barras, who had set sail three days before the arrival of De Grasse in the Chesapeake. To prevent falling in with the British fleet, De Barras had stood far out to sea. While expecting him, De Grasse, on the 5th of September, saw, off the capes, a British fleet of nineteen sail, under Admiral Graves. The French commander, advised by Washington, behaved with admirable skill and prudence. He engaged the British, partially, to draw them from their anchorage ground; by which means the Count de Barras, as he expected, was enabled to pass by them into the bay; but refused a general engagement, which would have been putting to hazard the success which was now almost certainly in the hands of the allies.

When Sir Henry Clinton awoke from the delusion under which he had been

laboring in regard to Washington's real intention, he attempted to create a diversion, by employing the traitor Arnold in an expedition against New London. This unscrupulous and hardened offender had displayed much zeal already, and had given the British ministry an impression greatly in favor of his activity and energy in their behalf. His "Address to the Inhabitants of America," issued very soon after consummating his traitorous designs, and his "Proclamation" to the officers and soldiers of the American army, appeared to the ministry to be evidences of his zeal and loyalty; and there seems no doubt, that they supposed they had obtained a prize in purchasing, at an enormous expense, this degraded man. His appeals to the American soldiers met with unmitigated scorn and contempt. "The only wonder is," as Mr. Sparks justly remarks, "that a measure of such imbecile malevolence, and hopeless folly, should be sanctioned by the British commander, and published from day to day in the Gazette, issued under his authority. How was it possible for him not to perceive, that the effect would be contrary to his interests and wishes? Who would join a traitor? Who would deliberately seek disgrace and infamy? And, above all, who would be cajoled by falsehood and malignity, as undisguised as they were audacious and wicked?"

1781.

Early in September, Arnold set out on his expedition against New London, an enterprise which he undertook the more readily, because he could not only gratify his malignant desire for revenge, but could also, probably, secure a large share of the plunder which would fall into his hands. Crossing the sound, he landed his troops in two divisions, at the mouth of the Thames. One of these marched towards New London, took Fort Trumbull, and entered the town. The other passed up the east side of the river, and ascended the high grounds, to attack Fort Griswold. This fort was garrisoned by a body of militia, many of whom were the fathers of the families in the vicinity, hastily collected, and under the command of the estimable Colonel Ledyard. They made a resolute defence, and killed numbers of the assailants. At length, however, they were overpowered, and ceased to resist. As the British entered the fort, Bromfield, a New Jersey tory, shouted, "Who commands this fort?" "I did;" said Colonel Ledyard, "but you do now!" and presented his sword. With brutal fury, Bromfield plunged it in his bosom. This was the signal for indiscriminate butchery. Nearly a hundred were slaughtered by the infuriated soldiery, and there was scarcely a family in the neighboring village of Groton, the father of which was not that night slain, and almost its entire population became widows and orphans. New London was reduced to ashes, and a number of vessels richly laden, fell into the hands of Arnold. This wretched being, Nero-like, gazed with exultation, upon the burning of New London, and the anguishing tortures of the widow and the orphan; and when, soon after, he returned to New York, he completed his audacious villany by reporting the prisoners who

had been slaughtered in cold blood after surrender, as *found dead* in the fort!*

Clinton finding that Washington was not to be diverted from his purpose by such marauding expeditions, and fully alive to the critical position in which Cornwallis was placed, bent all his energies to the endeavor to afford him relief. He sent Cornwallis word, by a letter in cipher, that, had it not been for the damage which the ships of Admiral Graves had received, he would at once have proceeded to his assistance. In any event, however, he hoped, by the 5th of October, to be on his way to succor him, with a fleet and army. Cornwallis, relying upon the promises of Clinton, withdrew his troops from the outer line of defences, and concentrated them within the narrow limits of Yorktown.

The allied army, numbering about eleven thousand, reached Williamsburg on the 25th of September, and on the 28th, marched by different routes to Yorktown. The next day was spent in arranging the plan of attack. At the same time that the combined army encamped before Yorktown, the French fleet anchored at the mouth of the river, and completely prevented the British from escaping by water, as well as from receiving supplies or reinforcements in that way. The legion of Lauzun, and a brigade of militia, amounting to upwards of four thousand men, commanded by General de Choisy, were sent across the river to watch Gloucester Point, and to enclose the British on that side.

1781.

On the 30th of September, Yorktown was invested. The French troops formed the left wing of the combined army, extending from the river above the town, to a morass, in front of it; the Americans composed the right wing, and occupied the ground between the morass and the river, below the town. Till the 6th of October, the besieging army was assiduously employed in disembarking its heavy artillery and military stores, and in conveying them to camp from the landing place in James River, a distance of six miles.

On the night of the 6th, the first parallel was begun, six hundred yards from the British works. The night was dark, rainy, and well adapted for such a service; and in the course of it, the besiegers did not lose a man. Their operations seem not to have been suspected by the besieged, till daylight disclosed them in the morning, when the trenches were so far advanced as in a good measure to cover the workmen from the fire of the garrison. By the afternoon of the 9th, the batteries were completed, notwithstanding the most strenuous opposition from the besieged; and immediately opened on the town. From that time, an incessant cannonade was kept up; and the continual discharge of shot and shells from twenty-four and eighteen-pounders, and ten-inch mortars, damaged the unfinished works on the left of the town, silenced the guns mounted on them, and

* In December, 1781, Arnold left New York and proceeded to England. Looked upon with scorn and contempt by all right-minded men, he sunk into obscurity, and ended his unhappy career of guilt and depravity, at London, in June, 1801.

occasioned a considerable loss of men. Some of the shot and shells from the batteries passed over the town, reached the shipping in the harbor, and set on fire the Charon, of forty-four guns, and three large transports, which were entirely consumed.

The besiegers commenced their second parallel two hundred yards from the British works. Two redoubts, which were advanced on the left of the British, greatly impeded the progress of the combined armies. It was therefore determined to carry them by storm. To excite a spirit of emulation, the reduction of the one was committed to the French, of the other to the Americans. Lafayette commanded the American, and the Baron de Viomesnil, the French detachment. Late in the afternoon of the 14th, both detachments marched to the assault. Colonel Hamilton led the advanced corps of the Americans, and Colonel Laurens turned the redoubt, at the head of eighty men. The troops rushed to the charge, without firing a gun; and, passing over the abattis and palisades, assaulted the works on all sides, and entered them with such rapidity, that their loss was inconsiderable. Major Campbell, a captain, and seventeen privates, were made prisoners. Eight privates were killed, while the assailants were entering the works. They were defended by forty-five privates, besides officers. Although the news of the massacre of Fort Griswold, had just reached the army, yet, as Hamilton says, to the honor of his detachment, they were "incapable of imitating examples of barbarity, and, forgetting recent provocations, they spared every man who ceased to resist." Gordon asserts, that Lafayette, with the approbation of Washington, directed, that every man in the redoubt should be put to the sword, an assertion which, as Marshall states, was peremptorily and positively contradicted by Colonel Hamilton, and by Lafayette.

1781.

The redoubt attacked by the French, was defended by a greater number of men; and the resistance, being greater, was not overcome without considerable loss. One hundred and twenty men, commanded by a lieutenant-colonel, were in this work, eighteen of whom were killed, and forty-two, including a captain and two subaltern officers, were made prisoners. The French lost, in killed and wounded, nearly one hundred men.

The commander-in-chief was highly gratified with the intrepidity displayed in these assaults; and, in the orders of the succeeding day, expressed in strong terms. his approbation of the judicious dispositions and gallant conduct of both the Baron de Viomesnil and the Marquis de Lafayette, and the officers and soldiers under their respective commands. Both these redoubts were, the same night, included in the second parallel.

Cornwallis's condition was now becoming desperate. Clinton had informed him, that reinforcements could not possibly leave New York earlier than the 12th of October, and there was but little ground for hope, that he could hold out until their arrival. A vigorous sortie was resolved upon, in

order to retard the progress of the American works. A party, led by Colonel Abercrombie, about four in the morning of the 16th, carried a portion of the works in the second parallel; but they were driven back, without having gained any real advantage.

The batteries of the besiegers were now covered with nearly a hundred pieces of heavy ordnance, and the works of the besieged were damaged to such an extent, that they could scarcely show a single gun. In this extremity, Cornwallis formed the bold design of forcing his way to New York. His plan was, to cross the river in the night, to Gloucester Point, where a small garrison of the British, commanded by Tarleton, were watched by the French, under De Choisy. After cutting his way through the French troops, he intended to mount his infantry, and, by forced marches, effect a junction with Clinton. Leaving his baggage, and the sick and wounded to the care of the enemy, his army were to embark in three divisions. A part had already crossed, and landed at Gloucester Point; a part were upon the river; the third division alone had not embarked; the air and the water were calm, and Cornwallis's hopes of escape were high. In a moment, the sky was overcast, and a tempest arose; the elements were armed against him, as if again he were checked by that Providence which seemed to watch over the destiny of the American people, and which before, by the swelling of the waters, had saved their army from his grasp. The wind and rain were violent, and his boats were driven down the river. The day appeared, and the besiegers, discovering their situation, opened upon his scattered and weakened army, a destructive fire; and they were glad, when the abating tempest allowed them to return to their almost dismantled fortifications.

With the failure of this scheme, the last hope of the British army expired. Longer resistance could answer no good purpose, and might occasion the loss of many valuable lives. Lord Cornwallis, therefore, on the 17th of October, wrote a letter to General Washington, requesting a cessation of arms for twenty-four hours; in order that commissioners might be appointed to digest terms of capitulation. To this letter, Washington returned an immediate answer, declaring his "ardent desire to spare the further effusion of blood, and his readiness to listen to such terms as were admissible;" but, as, in the present crisis, he could not consent to lose a moment in fruitless negotiation, he desired that, "the proposals of his lordship might be transmitted in writing, for which purpose a suspension of hostilities for two hours should be granted." The proposals being such as led to the opinion, that no difficulty would occur, in adjusting the terms, the suspension of hostilities was prolonged for the night. In the mean time, the commander-in-chief, drew up such articles as he would be willing to grant, which were transmitted to Lord Cornwallis, accompanied by a declaration, that, if he approved them, commissioners might be immediately appointed to digest them into form.

Washington, insisting upon a prompt

decision, the terms were finally arranged, and on the 19th of October, the posts of York and Gloucester were surrendered to the allied French and American forces. The principal stipulations of the surrender were as follows: "The troops to be prisoners of war to Congress, and the naval force to France; the officers to retain their side-arms and private property of every kind, but every thing obviously belonging to the inhabitants of the United States, to be subject to be reclaimed; the soldiers to be kept in Virginia, Maryland, and Pennsylvania, and to be supplied with the same rations as are allowed to soldiers in the service of Congress; a proportion of the officers to march into the country with the prisoners, the rest to be allowed to proceed on parole to Europe, to New York, or to any other American maritime post in possession of the British." The honor of marching out with colors flying, which had been refused to General Lincoln on his giving up Charleston, was now refused to Earl Cornwallis; and the commander-in-chief, with generous regard for the feelings of Lincoln, appointed him to receive the submission of the royal army at Yorktown, precisely in the same way his own had been conducted about eighteen months before.*

1781.

The whole number of prisoners, exclusive of the seamen, was about seven thousand. The allied army, including the militia, numbered about sixteen thousand. The British loss during the siege was between five and six hundred; the American loss, in killed and wounded, was about three hundred. On the day on which the capitulation was signed, Clinton sailed from New York for the relief of Cornwallis. He reached the Capes of Virginia on the 24th of October, and, on learning the surrender of the army, immediately returned to the north.

Congress bestowed its thanks freely and fully upon the commander-in-chief, Count de Rochambeau, Count de Grasse, and the various officers of the different corps, and the brave soldiers under their command. On the day after the surrender, the general orders closed as follows: "Divine service shall be performed to-morrow, in the different brigades and divisions. The commander-in-chief recommends, that all the troops that are not upon duty, do assist at it with a serious deportment, and that sensibility of heart which the recollection of the surprising and particular interposition of Providence in our favor claims." A proclamation was also issued by Congress, appointing the 13th of December as a day of thanksgiving and prayer, on account of this signal and manifest favor of Divine Providence in behalf of our country.

* Dr. Thacher, in his "*Military Journal*," pp. 288–90, gives a very interesting account of the circumstances connected with this eventful day. Lord Cornwallis, on the plea of indisposition, did not show himself on this occasion, General O'Hara acting as his representative. Thacher also states, what should not be forgotten, that Cornwallis's army regularly and systematically plundered in every direction, and that his lordship's table was served with plate pillaged from private families. Probably more than £3,000,000 sterling worth of property was destroyed by the royal army, during the six months previous to its surrender at Yorktown.

Amid the wide spread exultation throughout the country, consequent upon this great triumph over the royal forces, Washington, not being able to induce Count de Grasse to lend further aid against the British in the south, dis-

1781. patched two thousand troops to reinforce General Greene, and sent the larger part of his army to their winter cantonments in the vicinity of New York. He, himself, set out for Philadelphia, which city he reached on the 27th of November. The French troops remained in Virginia, and Count de Grasse sailed for the West Indies. During the preceding six years, Washington had been accustomed to look forward, and to provide for all possible events. In the habit of struggling with difficulties, his courage at all times grew with the dangers which surrounded him. In the most disastrous situations, he was far removed from despair. On the other hand, those fortunate events, which induced many to believe that the Revolution was accomplished, never operated on him, so far as to relax his exertions, or precautions.

Though complete success had been obtained by the allied arms in Virginia, and great advantages had been gained, in 1781, in the Carolinas, yet Washington urged the necessity of being prepared for another campaign. In a letter to General Greene, he observed, "I shall endeavor to stimulate Congress to the best improvement of our late success, by taking the most vigorous and effectual measures to be ready for an early and decisive campaign the next year. My greatest fear is, that, viewing this stroke in a point of light which may too much magnify its importance, they may think our work too nearly closed, and fall into a state of languor and relaxation. To prevent this error, I shall employ every means in my power; and if, unhappily, we sink into this fatal mistake, no part of the blame shall be mine."

Lafayette, perceiving that there was no prospect of further active service till the next campaign, asked and obtained permission from Congress, in November, to return to France.* He carried with him not only the resolves of Congress, highly complimentary to his zeal and military services, but also

* "In the legendary tales of chivalry," as JOHN QUINCY ADAMS beautifully says, "we read of tournaments, at which a foreign and unknown knight suddenly presents himself, armed in complete steel, and, with the visor down, enters the ring, to contend with the assembled flower of knighthood for the prize of honor, to be awarded by the hand of beauty; bears it in triumph away, and disappears from the astonished multitude of competitors and spectators of the feats of arms. But where, in the rolls of history—where, in the fictions of romance—where, but in the life of Lafayette, has been seen the noble stranger, flying, with the tribute of his name, his rank, his affluence, his ease, his domestic bliss, his treasure, his blood, to the relief of a suffering and distant land, in the hour of her deepest calamity — baring his bosom to her foes; and, not as the transient pageantry of a tournament, but for a succession of five years, sharing all the vicissitudes of her fortunes; always eager to appear at the post of danger—tempering the glow of youthful ardor with the cold caution of a veteran commander—bold and daring in action; prompt in execution; rapid in pursuit; fertile in expedients; unattainable in retreat; often exposed, but never surprised; never disconcerted; eluding his enemy when within his fancied grasp; bearing upon him with irresistible sway, when of force to cope with him in the conflict of arms? And what is this but the diary of Lafayette, from the day of his rallying the scattered fugitives of the Brandywine, insensible of the blood flowing from his wound, to the storming of the redoubt at Yorktown?"—J. Q. ADAMS's "*Oration on the Life and Character of Lafayette*," pp. 35, 36.

the consciousness of possessing the love and esteem of the whole American people. It was confidently expected, that this visit would result in many advantages to the cause of liberty, in the representations which he would be able to make, as well as by the influence he would exert upon the French government, to lend still further aid to the United States.

1781.

Whilst Washington was marching against Cornwallis, the loyalists of North Carolina, under M'Neil and M'Dougall, made themselves masters of Hillsborough, and took a number of prisoners. M'Neil and some of his followers were killed in a rencontre with the Americans. M'Dougall was pursued, but effected his escape to Wilmington, carrying with him a number of prisoners.

Late in August, Major Ross made an incursion into the country on the Mohawk, at the head of six hundred men, regulars, rangers, and Indians. Colonel Willett, with a force of about three hundred and fifty men, came up with him, at Johnstown.

1781.

An engagement ensued, when part of the Americans took to flight; but Willett, having been reinforced by some two hundred militia, the battle was renewed, and the British retreated. Willett pursued them, but without success. Among the slain, on this retreat, was the infamous Walter Butler, who perpetrated the massacre at Cherry Valley.* He begged for quarter; but, sternly reminded of Cherry Valley, by one of the Oneida warriors, he was instantly dispatched.

The last day of the year 1781, witnessed the release of that estimable patriot, Henry Laurens, from the Tower of London. He had been incarcerated, early in October, 1780, (see p. 110,) and was treated with great injustice and harshness. Various efforts were made to induce him to yield, but he steadfastly resisted them all. The "long and painful farce," as Dr. Ramsay calls it, ended with Laurens's unconditional release.

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* See Judge Campbell's "*Border Warfare of New York*," pp. 208–13.

CHAPTER IX.

1782-1783.

CLOSING OF THE REVOLUTIONARY WAR.

Proceedings in Parliament — Mr. Oswald sent to Paris — General Carleton sent to the United States — Attempts towards arranging a peace — Washington urges preparations for another campaign — Financial matters — The case of Captain Huddy — Proposition to Washington to become a king — His reply — No military operations undertaken — The army to be reduced — Discontents of the officers and troops — Affairs at the south — General Greene's operations — Departure of the French troops — Causes of the discontent and irritation in the army — Negotiations for peace conducted by Franklin, Jay, and Adams — Their course — Count Vergennes' complaints — The officers petition Congress — State of feeling in that body — The Newburg Addresses — Washington's noble conduct — Great peril of that crisis — Washington advocates the cause of the army — Cessation of hostilities — Good conduct of the army — Mutiny of some new levies in Pennsylvania — The Society of the Cincinnati — Washington's circular letter — The Definitive Treaty of Peace — The army disbanded — Washington's farewell orders — Evacuation of New York — Washington's parting with the officers — His resignation of his commission — Grandeur of the scene. APPENDIX TO CHAPTER IX.—I. Extract from Watson's "Men and Times of the Revolution." II. The Newburg Addresses. III. Washington's Address to the Officers of the Army. IV. Washington's Circular Letter to the Governors of the States. V. The Resignation of Washington's Commission.

WHATEVER opinions may have been entertained in England of the ultimate success of the war in America, the capture of Cornwallis and his army, made it perfectly evident, that the United States could not be subdued by force. The ministry, as well as the people, were filled with amazement, and the conviction began at last to become settled in their minds, that the contest was as unprofitable as it was hopeless of any good result.

Parliament met on the 27th of November, 1781, and, although the king, in his speech from the throne, with characteristic obstinacy, urged a vigorous prosecution of the war, and answers from both houses were obtained in accordance with the spirit displayed in it, yet the debates were very animated, and the popular feeling was clearly against the continuance of the war. After the recess, on the 22d of February, General Conway moved an address to the king against the further prosecution of the war in America. The motion was lost by only a single vote; but having been renewed a few days afterwards, was carried, and the address was presented. On the 4th of March, it was resolved by the House of Commons, "That the House would consider as enemies to his majesty and the country, all those who should advise, or attempt, the further prosecution of offensive war on the continent of North America." In this state of things, it was, of course, impossible for the ministry longer to continue in power, and on the 19th, Lord North and his associates relinquished their places. A new administration was speedily

1782.

formed, the Marquis of Rockingham being placed at the head of the treasury, and the Earl of Shelburne and Mr. Fox holding the important places of secretaries of state.

Soon after their appointment, the new ministers sent Mr. Oswald to France, to sound the French court, as well as Dr. Franklin, on the subject of peace. In a conference with the Count de Vergennes, Mr. Oswald was informed, that the French court were disposed to treat for peace, but could do nothing without the consent of their allies; and the count expressed a wish, that Paris might be the place of meeting for entering upon this important business. About the 18th of April, the British agent went back to London, and on the 4th of May, returned to France with the assent of the British cabinet to treat of a general peace, and for that purpose to meet at Paris.

One of the first measures of the new administration, was to appoint Sir Guy Carleton commander-in-chief in America, in the room of Sir Henry Clinton, and to authorize Admiral Digby and himself to negotiate respecting peace. One object of conferring this power was, to persuade, if possible, Congress to agree, to a peace separate from their allies. Carleton arrived at New York, early in May, and, informing Washington of the fact, and that he and Admiral Digby were charged with a mission respecting terms of accommodation, he requested a passport for his secretary, as bearer of dispatches to Congress on the subject. The commander-in-chief immediately forwarded the communications to Congress; but as the bill to enable the king to conclude peace with America had not then passed into a law; as there was no assurance that the present commissioners were empowered to offer any other terms than those which had been already rejected; as Congress was suspicious that the offers were merely intended to amuse and put them off their guard, that they might be successfully attacked when reposing in security; and as they were resolved to enter into no separate treaty; the passport was refused.

Washington, fearing that delusive hopes were entertained, in consequence of the splendid success of American arms in Virginia, urgently recommended vigorous preparations for another campaign. "Whatever may be the policy of European courts during this winter," were his words, "their negotiations will prove too precarious a dependence for us to trust to. Our wisdom should dictate a serious preparation for war, and, in that state, we shall find ourselves in a situation secure against every event." Congress, availing itself of Washington's presence and counsel while in Philadelphia, voted, with promptness and unanimity, new requisitions of money and supplies. They resolved to keep up the military establishment of the preceding year: called upon the states to furnish their quotas of troops at an early day; and prevailed upon the commander-in-chief to write two circular letters to the governors of all the states.* These letters were sent out at the close of January, and contained argu- 1782.

*See Sparks's "*Life of Washington*," pp. 847-50.

ments and exhortations most forcibly expressed, and well calculated to arouse the states to active exertion.

As on many previous occasions, Washington was sadly disappointed at the result. The state legislatures declared the inability of their constituents to pay taxes. Instead of filling the continental treasury, some were devising means to draw money from it; and some of those who passed bills, imposing heavy taxes, directed that the demands of the state should be first satisfied, and that the residue only should be paid to the continental receiver. Although, by the judicious arrangements of Morris, the public expenses were much diminished, yet they were necessarily great, and must so continue, although the means of meeting them thus unexpectedly failed. At the commencement of 1782, not a dollar remained in the treasury. "Yet to the financier," says Marshall, "every eye was turned; to him the empty hand of every public creditor was stretched forth, and against him, instead of the state governments, the complaints and imprecations of every unsatisfied claimant, were directed." Morris, feeling deeply the ingratitude of his country, resolved, nevertheless, not to abandon the cause of the people. Writing to Washington the unpleasant news, that the taxes, due in July, would not be paid in till December, he added:—"With such gloomy prospects as this letter affords, I am tied here to be baited by continual clamorous demands; and for the forfeiture of all that is valuable in life, and which I hoped at this moment to enjoy, I am to be paid by invective. Scarce a day passes, in which I am not tempted to give back into the hands of Congress the power they have delegated, and to lay down a burden which presses me to the earth. Nothing prevents me, but a knowledge of the difficulties which I am obliged to struggle under. What may be the success of my efforts, God only knows; but to leave my post at present, would, I know, be ruinous. This candid state of my situation and feelings, I give to your bosom, because you, who have already felt and suffered so much, will be able to sympathize with me."

About the middle of April, Washington left Philadelphia, and joined the army, his head-quarters being at Newburg. He was directly informed of a very shameful proceeding, on the part of some refugees from **1782.** New York, and felt compelled to give the matter his serious attention. The circumstances were these: Captain Huddy, who commanded a body of troops, in Monmouth county, New Jersey, was attacked by a party of refugees, was made prisoner, and closely confined in New York. A few days afterwards, they led him out and hanged him, with a label on his breast, declaring that he was put to death in retaliation for some of their number, who, they said, had suffered a similar fate. Washington took up the matter promptly; submitted it to his officers; laid it before Congress; and wrote to Clinton, demanding that Captain Lippencot, the perpetrator of the horrid deed, should be given up. The demand not being complied with, Washington, in accord-

ance with the opinion of the council of officers, determined upon retaliation. A British officer, of equal rank with Captain Huddy, was chosen by lot. Captain Asgill, a young man, just nineteen years old, and the only son of his parents, was the one upon whom the lot fell. The whole affair was in suspense for a number of months. Both Clinton and Carleton, his successor, reprobated the act of Lippencot with great severity; yet he was not given up, it being considered, by a court-martial, that he had only obeyed the orders of the Board of Associated Loyalists in New York. Great interest was made to save Asgill's life; his mother begged the interference of the Count de Vergennes, who wrote to Washington in her behalf. Early in November, Washington performed the grateful task of setting Captain Asgill at liberty.

The quotas of troops expected from the different states were not filled up, as the commander-in-chief hoped they would be, promptly and fully. Worn down with toils and sufferings, the people could not be induced to further exertions, now that it had become almost certain that the war must speedily end. Washington endeavored to arouse the states, by a circular letter, from their apathy; but with no great success. The discontent of the officers and soldiers, in consequence of the arrearages of their pay, had for some time increased; and, brooding over their hardships, they contemplated an act which must have pained Washington to the very soul. Having seen how miserably inefficient Congress was, as a government, and probably almost in despair of the success of a republican form of government, the notion was broached, that the only way to obtain an effective authority in the state, was to place such authority in the hands of one man. A colonel in the army was deputed to convey their sentiments to the commander-in-chief. In a very able letter, which discussed the present position of affairs, and set forth the defects of the political organization existing at the time, the subject was presented to the attention of that noble patriot who had so long stood at the head of the army; the writer adding:—"This must have shown to all, and to military men in particular, the weakness of republics, and the exertions the army have been able to make by being under a proper head. Therefore, I little doubt, that, when the benefits of a mixed government are pointed out, and duly considered, such will be readily adopted. In this case, it will, I believe, be uncontroverted, that the same abilities which have led us through difficulties, apparently insurmountable by human power, to victory and glory, those qualities that have merited and obtained the universal esteem and veneration of an army, would be most likely to conduct and direct us in the smoother paths of peace. Some people have so connected the ideas of tyranny and monarchy, as to find it very difficult to separate them. It may, therefore, be requisite to give the head of such a constitution as I propose some title apparently more moderate; but, if all things were once adjusted, I believe strong arguments might be

1782.

produced for admitting the name of KING, which I conceive would be attended with some material advantages."

The answer of Washington to this communication was in the following terms:—

"NEWBURG, 22*d May*, 1782.

"SIR,

"With a mixture of great surprise and astonishment I have read with attention, the sentiments you have submitted to my perusal. Be assured, sir, no occurrence in the course of the war has given me more painful sensations, than your information of there being such ideas existing in the army as you have expressed, and I must view with abhorrence, and reprehend with severity. For the present, the communication of them will rest in my own bosom, unless some further agitation of the matter shall make a disclosure necessary.

"I am much at a loss to conceive what part of my conduct could have given encouragement to an address, which to me seems big with the greatest mischiefs that can befall my country. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable. At the same time, in justice to my own feelings, I must add, that no man possesses a more sincere wish to see ample justice done to the army than I do; and as far as my powers and influence, in a constitutional way, extend, they shall be employed, to the utmost of my abilities, to effect it, should there be any occasion. Let me conjure you, then, if you have any regard for your country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind, and never communicate, as from yourself or any one else, a sentiment of the like nature.

"I am, sir, &c.,

"GEORGE WASHINGTON."

Truly an indignant and stern rebuke! Whatever may have been the motives which prompted those who addressed Washington with such a proposal, it is plain, that his integrity was incorruptible, and his love of his country infinitely superior to any and every personal consideration. After this effort, no further attempt was ever made to induce the father of his country to entertain a proposition of the like nature.

With an army of not more than ten thousand men, Washington, even if disposed, was unable to undertake offensive operations; consequently the summer passed away in inactivity at the north.* Sir Guy Carleton, on his part, kept himself quiet in New York, and the contest seemed to have ceased. Early in August, Carleton and Digby informed the commander-in-chief, that negotiations for a general peace were begun at Paris; that the independence of the thirteen United States would be acknowledged; that Mr. Laurens was set at liberty; and that

* On the 20th of June, 1782, Congress fixed upon the Great Seal of the United States, with the American eagle, grasping in his dexter talon, an olive branch, and in his sinister a bundle of thirteen arrows, and holding in his beak, the scroll, with the well-known motto, E PLURIBUS UNUM.

passports were preparing for such Americans as had been hitherto detained prisoners in England. Another letter soon followed from Carleton, in which he declared, that he no longer saw any object of contest, and therefore disapproved of further hostilities by sea or land, which, as he observed, "could only tend to multiply the miseries of individuals, without a possible advantage to either nation." He added, that, in consequence of this opinion, he had restrained the practice of detaching the Indian parties against the frontiers of the United States, and had recalled those which were in the field. These communications seem to have awakened the jealousy of the French minister in America; and, in order to put to rest any feeling on his part, Congress renewed its resolution, "to enter into no discussion of any overtures for pacification, but in confidence and in concert with his most Christian majesty."

1782.

We may properly mention, in this place, that, on the capture of Henry Laurens, John Adams was sent to Holland, as minister-plenipotentiary, and empowered to negotiate a loan. After considerable delay, he was officially recognized, and the United Provinces, on the 19th of April, acknowledged the independence of the United States of America. This was the second European power that made that acknowledgment. Mr. Adams* concluded a treaty of amity and commerce, early in October, and was also successful in effecting the desired loan in behalf of his country.

The splendid victory of Rodney over the Count de Grasse, on the 12th of April, gave security to the British West India Islands, and it was apprehended, that the negotiations for peace might be protracted, and hostilities even renewed. It was in contemplation to reduce the army, but, through the culpable neglect of the states, there was no means to pay the officers and troops. Indeed hardly enough could be obtained to furnish daily subsistence to the army. In a confidential letter to the secretary of war, Washington, while he doubted not the wish of numbers to retire to private life, could they obtain only their just dues, added, "yet I cannot help fearing the result of reducing the army, where I see such a number of men, goaded by a thousand stings of reflection on the past, and of anticipation on the future, about to be turned into the world, soured by penury, and what they call the ingratitude of the public; involved in debts, without one farthing of money to carry them home, after having spent the flower of their days, and, many of them, their patrimonies, in establishing the freedom and independence of their country; and having suffered everything which human nature is capable of enduring on this side of death. I repeat it, when I reflect on these irritating circumstances, unattended by one thing to soothe their feelings, or brighten the gloomy prospect, I cannot avoid apprehending that a train of evils will follow, of a serious and distressing nature.

"I wish not to heighten the shades

* See "*Life and Works of John Adams*," vol. i., pp. 348-53.

of the picture, so far as the real life would justify me in doing, or I would give anecdotes of patriotism and distress, which have scarcely ever been paralleled, never surpassed, in the history of mankind. But you may rely upon it, the patience and long sufferance of this army are almost exhausted, and there never was so great a spirit of discontent as at this instant. While in the field it may be kept from breaking out into acts of outrage; but when we retire into winter-quarters, (unless the storm be previously dissipated,) I cannot be at ease respecting the consequences. It is high time for a peace." As we shall see presently, there was too much ground for these apprehensions; and we shall consequently be the better able to appreciate the self-sacrificing spirit of the commander-in-chief, in the course which he saw fit to adopt.

1782.

Although the inactivity which prevailed in the north was, in a certain measure, communicated to the southern army, yet some desultory operations of a hostile nature happened in that quarter. General St. Clair, who conducted the reinforcements from Yorktown toward the south, reached General Greene's head-quarters early in January. He had been ordered to invest the post of Wilmington on his way; but the British garrison evacuated that place before his arrival, and he did not meet with any detention there.

St. Clair experienced no hostile interruption; the number of his troops, however, was so much diminished by the casualties of a long march, that his reinforcement did little more than supply the place in Greene's army of those soldiers who had been entitled to their discharge on the last day of December. But feeble as was the southern army, yet, on St. Clair's arrival, General Greene detached General Wayne across the Santee, to protect the state of Georgia. On his approach, General Clarke, who commanded the British troops in that province, amounting to about one thousand regular soldiers, besides militia, concentrated his force in Savannah. While Wayne was watching the British, a sudden and unlooked for attack was made upon him, in the night of the 23d of June, by a strong party of Creeks. Nothing but the excellent materials of which his force was composed, and their courageous and steady behavior, saved the detachment from defeat. This sharp conflict terminated the war in Georgia. Savannah was evacuated, on the 11th of July, and Wayne rejoined General Greene.

Great discontent having arisen, in consequence of the difficulty of procuring provisions, the Pennsylvania line, composed at the time chiefly of foreigners, proceeded to such length in their excitement and irritation, as to venture upon a treasonable intercourse with the enemy, the object of which was to seize General Greene, and deliver him to a detachment of British troops which would march out of Charleston to favor the design.* It was discovered, when supposed to be on the point of execution, and a sergeant, by the name of

* See Greene's "*Life of Nathaniel Greene*," pp. 365–8. Also Caldwell's "*Life of General Greene*," p. 363.

Gornel, was condemned and executed. This happened towards the close of April, and a number of desertions took place the same night.

General Leslie commanded in Charleston, and held the place till the 14th of December, though the intention of evacuating it was announced on the 7th of August. In that interval, Leslie proposed to General Greene a suspension of hostilities; Greene was strongly inclined to agree to this proposal; but the matter was in the hands of the civil authority, and he did not conceive himself empowered to enter into any arrangement of the kind with the British general. Leslie also offered full payment for rice and other provisions sent into the town, but threatened to take them without compensation if withheld. General Greene, suspecting that it was intended to collect a large quantity of rice in Charleston to supply the army while it acted against the French islands in the West Indies, declined the arrangement. The consequence was, that the British made some foraging incursions into the country, and skirmishes ensued.* In themselves these skirmishes were unimportant; but they derived a lively interest from the death of Lieutenant-colonel Laurens, who fell in one of them, August 27th, to the deep regret of his countrymen, among whom he was universally esteemed and beloved. Soon after, Captain Wilmot made an attack upon a party of British on James Island, near Fort Johnson; the captain and some of his men were killed, and the rest retreated. This was the last blood shed in the American war.

1782.

Towards the middle of September, the French troops left Virginia, and formed a junction with the American army on the Hudson. In the following month, they marched to Boston, and embarked before the end of December for the West Indies, having been in America two years and a half. Washington returned to Newburg, where head-quarters continued till the army was disbanded. Although it was tolerably certain, that no military operations would be undertaken during the winter, and on that account the presence of the commander-in-chief was not needful in camp, yet Washington, alive to the danger which might threaten, from the excitement and irritation existing among the officers and soldiers, resolved to sacrifice every personal gratification to be derived from a suspension of his toils, and to remain with the army and watch its discontents.

1782.

* "It has been estimated that the loss of lives in the various armies of the United States, during the war, is not less than seventy thousand. The numbers who died on board of the horrid prison-ships of the enemy cannot be calculated. It is, however, confidently asserted, that no less than eleven thousand of our brave soldiers died on board the one called the *Jersey prison-ship* only! This dreadful mortality is universally attributed to the cruel treatment which they received while crowded together in close confinement. The loss to Great Britain is two large armies captured by the United States, exclusively of many thousands killed and taken in various actions during the war; thirteen colonies dismembered from her; and an increase of her national debt, in seven years, £120,000,000. The United States have gained that independence and liberty for which they contended, and find their debt to be less than $45,000,000, which is short of £10,000,000 sterling.—Thacher's "*Military Journal*," p. 350.

To judge rightly of the motives, says Marshall, which produced this uneasy temper in the army, it will be necessary to recollect, that the resolution of October, 1780, granting half-pay for life to the officers, stood on the mere faith of a government, possessing no funds enabling it to perform its engagements. From requisitions alone, to be made on sovereign states, supplies were to be drawn; and the ill success of these, while the dangers of war were impending, furnished melancholy presages of their unproductiveness in time of peace. Other considerations, of decisive influence, were added to this reflection. The dispositions manifested by Congress itself, were so unfriendly to the half-pay establishment, as to extinguish the hope that any funds the government might acquire would be applied to that object. Since the passage of the resolution, the Articles of Confederation, which required the assent of nine states to any act appropriating money, had been adopted; and nine states had never been found in favor of the measure. It was also well known, that the prevailing sentiment was opposed to this mode of compensating the officers of the army; and consequently, it was but natural, as relief from active duty gave them time to reflect upon their position, that their inquietude should increase with the nearness of the approach of peace.

In the spring of 1782, the contending powers in Europe took measures to settle upon terms of peace. In April, Mr. Oswald went to Paris, and was soon after followed by Mr. Grenville, who consulted with the Count de Vergennes in reference to the preliminaries for a general peace between all the powers at war. The British court acted, nearly all the way through, with a sort of sullen acquiescence in results which they could not prevent, and many annoying difficulties were interposed, so as to perplex the negotiations as much as possible, and deprive the United States of every advantage which could be wrested from them. 1782.

The Marquis of Rockingham died, on the 1st of July, and was succeeded by Lord Shelburne. This nobleman agreed with the king in determining, if possible, to prevent any open and absolute recognition of American independence. Dr. Franklin left upon one of his papers the following memorandum: "Immediately after the death of Lord Rockingham, the king said to Lord Shelburne, 'I will be plain with you, the point next to my heart, and which I am determined, be the consequence what it may, never to relinquish but with my crown and life, is to prevent a total, unequivocal recognition of the independence of America. Promise to support me on this ground, and I will leave you unmolested on every other, and with full power as the prime minister of the kingdom.'" The firmness of Congress and the American commissioners in Paris, prevented the plan being carried out.

Happily for our country's interests, they were entrusted to men entirely capable of understanding, appreciating, and defending them. The venerable Dr. Franklin, now almost four-score years old, was American minister to France; he was joined by Mr. Jay, from

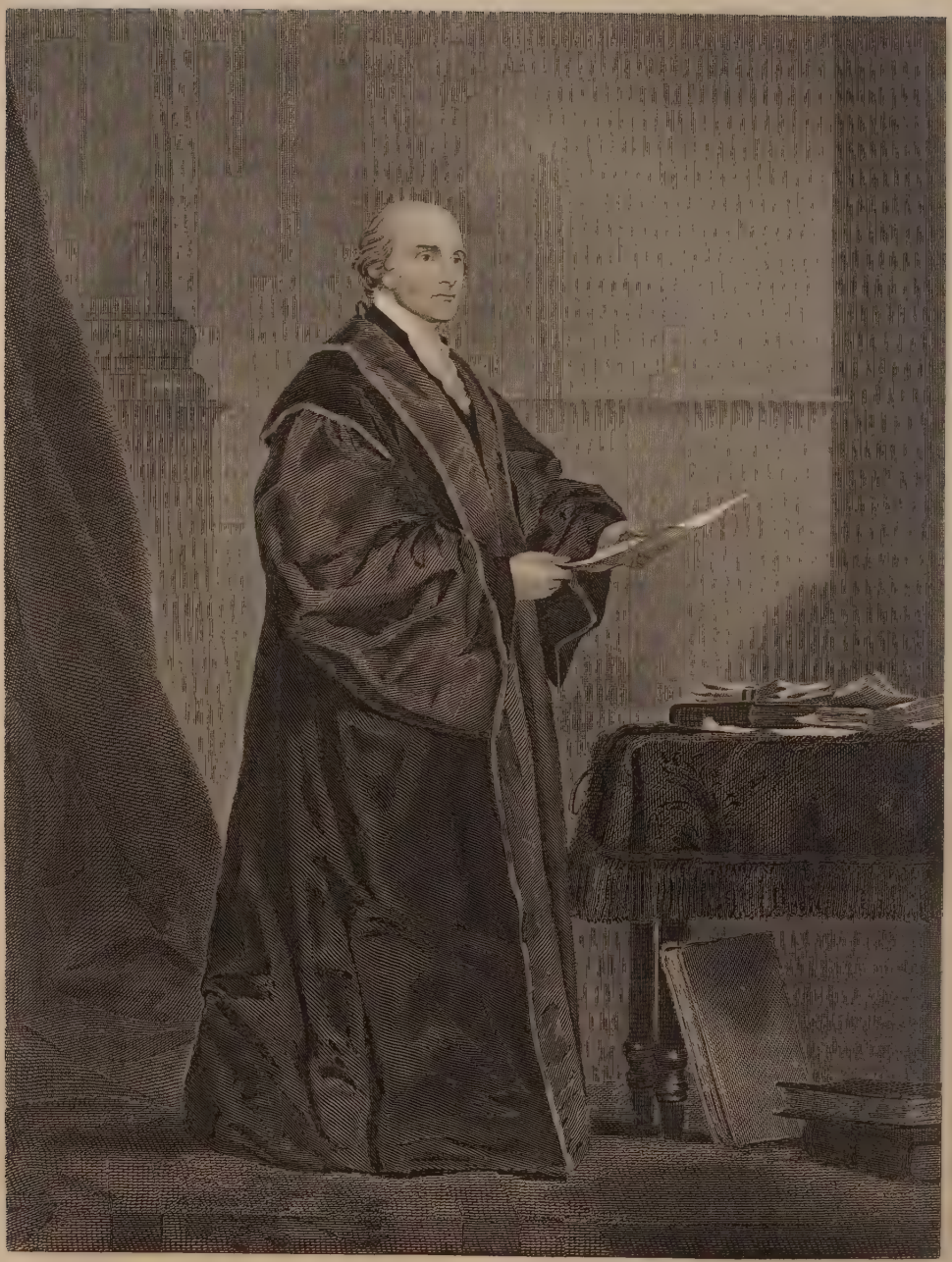
Spain, on the 23d of June, and these two principally conducted the negotiations. Mr. Adams came from Holland, about the close of October, and Mr. Laurens from London, only a few days before the terms of the treaty were agreed upon. The three main questions of independence, the boundaries, and the fisheries, were arranged to mutual satisfaction, the two latter being ably discussed between Mr. Jay and Mr. Oswald. Other questions relating to compensation to the loyalists for losses, the giving up of Canada to the United States, etc., occupied the attention of the commissioners; but with no particular result. Finally, on the 30th of November, the provisional treaty was signed at Paris, by both parties, in due form, and, early the following year, was approved and ratified by Congress.*

It will be recollected, that the American commissioners were pointedly instructed, to be governed in the progress of their negotiations with England, by the advice and approval of the French court. Dr. Franklin was inclined to this course, as much by his personal regard for the French, as by its being a matter of instruction. Mr. Jay, however, disliking the least appearance of subserviency to France, notwithstanding the very important aid which she had rendered, and was expected still further to render, to the cause of America, was disposed to take lofty ground, and to insist upon nice points, wherein his colleague did not feel called upon to be so tenacious. When Mr. Oswald presented his commission, to treat with any duly authorized persons from the *colonies*, or plantations of America, Mr. Jay absolutely refused to proceed, except the United States were recognized as an independent nation, although Dr. Franklin and Count de Vergennes thought the scruple was needless, since, to all intents and purposes, the independence of the United States was acknowledged, in fact, if not in words. The consequence of Mr. Jay's fixed determination to be independent in action, was, that the negotiations proceeded, and the provisional articles were agreed upon, without consulting the Court of Versailles. Mr. Adams* fully accorded with Mr. Jay, and Dr. Franklin went with his colleagues in the matter; and though they violated their instructions, and though there were not wanting persons at home, to censure their conduct severely, yet it may now be asserted, without fear of contradiction, that they did what was right, and what was best for their country's interests. 1782.

Count de Vergennes very naturally complained of the course pursued by the American commissioners, and Dr. Franklin was deputed to make the best apology that he could in their behalf.

* Mr. Watson, "*Men and Times of the Revolution*," pp. 203–6, gives an interesting account of his being present when the king read his speech in Parliament, December 5th, 1782. See Appendix I., at the end of the present chapter.

* The grandson of Mr. Adams, in giving an account of that distinguished patriot's services, in negotiating the treaty of peace, takes a view, much less favorable than Mr. Sparks's, of the diplomatic character and course of the Count de Vergennes and the French court in general.—See "*Life and Works of John Adams*," vol. i., pp. 392–5.



John Jay

Mr. Sparks gives the count's letter to M. de la Luzerne, in America, in which he speaks of this subject, and states also, what a perusal of Franklin's letter to the count verifies, that he executed the delicate task of apologizing with such success as to soften, at least, the displeasure of the French court.* Perhaps, under the circumstances, *suspicion* as to the real designs of France, was not unnatural on the part of the American commissioners, particularly when, as we know, the British envoys endeavored constantly to excite and foment doubts and jealousies as to the ulterior plans and purposes of the French. On the whole, however, while we render our tribute of gratitude to Mr. Jay for the noble, manly, national ground which he assumed and maintained, and on which his fellow-commissioners, especially Mr. Adams, stood with him, we feel bound to quote Mr. Sparks's language in defence of the great ally of the United States: "The French court, from first to last, adhered faithfully to the terms of the alliance, not that they had any special partiality for the Americans, or were moved by the mere impulse of good will and friendship, unmixed with motives of interest. Why should this be expected? When was entire disinterestedness ever known to characterize the intercourse between nations? But no fact in the history of the American Revolution is more clearly demonstrable, than that the French government, in their relations with the United States, during the war, and at the peace, maintained strictly their honor and fidelity to their engagements; nay, more, that they acted a generous, and, in some instances, a magnanimous part."*

Soon after going into winter-quarters, the officers of the army resolved to memorialize Congress on the subject of their accounts, and deputed General M'Dougall and Colonels Ogden and Brooks, to wait on that body and give attention to their interests. This was in the month of December. The "Address and Petition" of the officers was an able document, and well calculated to rouse Congress to some definite action. The commutation of the half pay, stipulated by the resolve of October, 1780, was strongly urged, not so much as the opinion of men who considered it just or right, as of men driven nearly to desperation, and almost crushed to the earth with hardships, and poverty, and exertions in their country's cause. "It would be criminal in the officers"—these are the concluding words of their Address,—"to conceal the general dissatisfaction which prevails, and is gaining ground in the army, from the pressure of evils and injuries, which, in the course of seven long years, have made their condition, in many instances, wretched. They therefore entreat, that Congress, to convince the army and the world, that the independence

1782.

* See Sparks's "*Life of Franklin*," p. 490.

* Sparks's "*Life of Franklin*," p. 495. In connection with this whole topic, the reader will find it to his advantage to consult Pitkin's "*Political and Civil History of the United States*," vol. ii., pp. 123–152; Jay's "*Life of John Jay*," vol. i., p. 133, etc.; "*Life and Works of John Adams*," vol. i., pp. 354–399.

of America shall not be placed on the ruin of any particular class of her citizens, will point out a mode of immediate redress."

There were those, undoubtedly, in Congress disposed to do full justice to the army; there were men in that body who felt deeply in behalf of those noble patriots, who had sacrificed every thing for the independence of their country, and who had endured every species of hardship and every form of suffering which falls to the lot of a soldier; there were members of the national legislature who desired to act in a truly national spirit and manner, and faithfully discharge the solemn obligation which lay upon them, to pay the officers of the army every dollar which was due to them. But, we are sorry to say, the majority of Congress felt otherwise on this topic. Jealous of state rights and state sovereignty, they opposed the liquidating the officers' claims by a continental fund and securities, and urged the plan of referring unsettled accounts to the respective states.* Congress took up the memorial, passed some resolves, recognized the claims of public creditors, but suggested no effectual means of establishing funds or giving security. The whole winter passed in this tantalizing, unsatisfactory way, and the committee reported, early in March, that nothing, to any purpose at least, had been done.

1783.

The crisis was now at hand. Disappointed, irritated, and indignant, the feeling began to spread among the officers, that more energetic measures and conduct were called for. A meeting of the officers was privately determined upon, and on the 10th of March, a notification to that effect was circulated in camp, fixing the time, and setting forth the object. The same day, an anonymous address to the army was issued, the first of the famous "Newburg Addresses." It was written with great ability and skill, and was not deficient in eloquent and passionate appeals to men who felt themselves suffering keenly under public ingratitude and neglect.* Washington saw at once, what must result from a meeting held under such excitement as was then existing; and he interposed with great wisdom and prudence. He forbade the meeting at the call of an anonymous paper, and directed the officers to meet on Saturday, the 15th, to hear the report of their committee, and to deliberate upon the measures necessary to be adopted. Another address, from the same pen, was issued the next day, in which it was adroitly claimed that the commander-in-chief sanctioned the contemplated proceeding. Washington now saw clearly, that he must be present, and must use all his influence to inculcate moderation and allay discontents and irritations. He shrank not from the post of duty.

His sympathies were warmly with the army; but he knew too well the shame and disgrace which would at-

* See note in Curtis's "*History of the Constitution*," vol. i., pp. 194–99.

* These Addresses were written by Major, afterwards General, Armstrong, aide-de-camp to General Gates. The first and principal one will be found in Appendix II. at the end of the present chapter.

tach to them were they to be guided by rash and incendiary leaders, such as the anonymous addresser certainly was. He strove earnestly, by conversing with the officers, and reasoning with them, as he so well knew how, to calm their minds, and prepare them for the adoption of moderate measures. The officers assembled; General Gates was placed in the chair; and their beloved commander-in-chief, preparing to speak to them, found tears unbidden springing forth. "My eyes," were his touching words, "have grown dim in my country's service, but I never doubted of its justice." He then proceeded to read the address which he had prepared,* an address replete with wise, and just, and patriotic sentiments, and earnestly urged upon the army, not to be rash or hasty in action, and not to tarnish the good name which they had earned by so many sacrifices, and so unselfish a devotion to the best interests of their country. Pledging himself to use his utmost efforts in their behalf, in order to secure their rights and privileges, he besought them to rely on the plighted faith of the United States, nothing doubting that that faith would be sacredly preserved.

When he had finished his address,† every heart was touched. Washington withdrew in silence. No one ventured to say a word in opposition to his paternal counsel; and the happy moment was seized for preparing and adopting resolutions in accordance with the spirit of the commander-in-chief's advice. Reciprocating his affectionate expressions, and avowing their determination, not to sully the glory acquired by eight years of faithful service, they declared their unshaken confidence in the justice of Congress and their country, and "viewed with abhorrence, and rejected with disdain, the infamous proposition contained in a late anonymous address to the officers of the army." 1783.

Truly, as Mr. Curtis well says, "even at this distant day, the peril of that crisis can scarcely be contemplated without a shudder. Had the commander-in-chief been other than Washington, had the leading officers by whom he was surrounded, been less than the noblest of patriots, the land would have been deluged with the blood of a civil war. But men who had suffered what the great officers of the Revolution had suffered, had learned the lessons of self-control which suffering teaches. The hard school of adversity in which they had passed so many years, made them sensible to an appeal, which only such a chief as Washington could make." In accordance with his promise, Washington immediately wrote an energetic letter to the President of Congress, in which he justly says, "the result

* See Appendix III., at the end of the present chapter.

† "It was happy for the army and country, that when his Excellency had finished and withdrawn, no one rose and observed: 'That General Washington was about to quit the military line laden with honor, and that he had a considerable estate to support him with dignity, but that their case was very different.' Had such ideas been thrown out, and properly enlarged upon, the meeting would probably have concluded very differently."—Gordon's "*History of the American Revolution*," vol. iii., p. 361.

of the proceedings of the grand convention of the officers, which I have the honor of enclosing to your Excellency, for the inspection of Congress, will, I flatter myself, be considered as the last glorious proof of patriotism which could have been given, by men who aspired to the distinction of a patriot army, and will not only confirm their claim to the justice, but will increase their title to the gratitude, of their country." His concluding words are equally strong, wherein he says: "If, besides the simple payment of their wages, a further compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken indeed. If the whole army have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice, and built opinion on the basis of error. If this country should not, in the event, perform everything which has been requested in the late memorials to Congress, then will my belief become vain, and the hope that has been excited void of foundation. And if, as has been suggested, for the purpose of inflaming their passions, the officers of the army are to be the only sufferers by this Revolution; if, retiring from the field, they are to grow old in poverty, wretchedness, and contempt; if they are to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity which has hitherto been spent in honor; then shall I have learned what ingratitude is; then shall I have realized a tale which will embitter every moment of my future life. But I am under no such apprehensions; a country rescued by their arms from impending ruin, will never leave unpaid the debt of gratitude."

Congress, on the 22d of March, passed certain resolves, by which the half-pay for life, was commuted to five years' full pay, after the close of the war, to be received at the option of Congress, or, in securities, such as were given to the other creditors of the United States. Early in July, the accounts of the army were finally made up and adjusted.* 1783.

Preliminaries for restoring peace between France and Great Britain, and Spain and Great Britain, were signed at Versailles, on the 20th of January: at the same time, an agreement was entered into between the American and British ministers relative to a cessation of hostilities. On the 24th of March, intelligence of a general peace reached America by a letter from the Marquis de Lafayette; and orders were immediately issued, recalling all armed vessels cruising under the authority of the United States. Congress soon after received official information of the agreement between the ministers of the United States and Great Britain, and of the exchange of ratifications of the preliminary articles between Great Britain and France; and, on the 11th of April, they issued a proclamation, declaring the cessation of arms, as well by sea as by land, agreed upon between the United States and his Britannic majesty, and enjoining its strict observance.

* See a valuable note in Mr. Curtis's "*History of the Constitution*," vol. i., pp. 190–94, "On the Half-Pay for the Officers of the Revolution."

The 19th of April, just eight years from that memorable day, on which the first blood of American freemen had been shed at Lexington, was selected as the day most fitting for proclaiming to the army the cessation of hostilities. The illustrious commander-in-chief addressed the army on the occasion, and with that constant regard to the blessing of God upon our arms, as shown all through the war, he ordered that "the chaplains, with the several brigades, render thanks to Almighty God for all his mercies, particularly for his overruling the wrath of man to his own glory, and causing the rage of war to cease among the nations."

The Independence of the United States was acknowledged by Sweden, on the 5th of February; by Denmark, on the 25th of February; by Spain, on the 24th of March; and by Russia, in July. About the same time respectively, treaties of amity and commerce, were concluded with each of these powers. 1783.

The reduction of the army, consequent upon the peace, required much care, especially as, notwithstanding what had taken place, the officers and troops had not yet received the pay which was due to them. Furloughs were freely granted on the application of individuals, and after their leaving the camp, they were enjoined not to return. By this arrangement, a critical moment was got over.* A great part of an unpaid army was dispersed over the states during the summer, without tumult or disorder.

The admirable behavior of the veterans under Washington's own eye, was especially gratifying. It was very annoying to him, however, that some new levies at Lancaster, in Pennsylvania, by their mutinous conduct, tarnished the good name of an American soldier. About eighty men of these troops marched in a body to Philadelphia, where they were joined by some others, so as to amount, in the whole, to three hundred. They marched with fixed bayonets, to the State-house, in which Congress and the state executive council held their sessions. They placed guards at every door, and threatened the president and council of the state, with letting loose an enraged soldiery upon them, unless they granted their demands in twenty minutes. As soon as this outrage was made known to Washington, he detached General Howe, with a competent force, to suppress the mutiny. This was effected without bloodshed before his arrival. The mutineers were too inconsiderable, to commit extensive mischief; but their disgraceful conduct excited the greatest indignation in Washington's breast, and he wrote to the president of Congress a letter, expressive of the deep mortification which he had sustained in consequence of this occurrence. 1783.

While the army was still in its cantonment on the Hudson, the officers, with a view of perpetuating their friendships, formed themselves into "THE SOCIETY OF THE CINCINNATI," so named after the famous Roman patriot Cin-

* See Marshall's "*Life of Washington*," vol. ii., pp. 53, 4.

cinnatus. The illustrious commander-in-chief yielded to the wishes of his compatriots in arms, and was placed at the head of the society. By its rules, the honors of the society were to be hereditary in their respective families, and distinguished individuals might be admitted as honorary members for life. These circumstances, together with the union of the officers of the army, soon excited jealousy and opposition in the community; several individuals of which supposed, that the hereditary part of the institution would be a germ of nobility. It was the usual policy of Washington, to respect the opinions of the people, in matters indifferent, or of small magnitude, though he might think them mistaken. Having ascertained the feelings of the large body of the people respecting the probable tendency of this perpetual hereditary society, he successfully exerted his influence to new model its rules, by relinquishing the hereditary principle, and the power of adopting honorary members. This was done in May, 1784. The result proved the wisdom of the measure; for all jealousies of the society, henceforward, were done away, and the members thereof were received as brethren, by the most suspicious of its opponents.

While arrangements were making for the final dismission of the army, Washington, intent upon the great questions pressing upon his mind, as to the future career of his beloved country, consulted freely with Congress, recommended the forming a well-regulated and disciplined militia during peace; and determined to address a circular letter to the governors of each of the states. It was dated at Newburg, June 8th, 1783, and, as Mr. Sparks justly says, "is remarkable for its ability, the deep interest it manifests for the officers and soldiers, who had fought the battles of their country, the soundness of its principles, and the wisdom of its counsels."* The concluding words of the letter were these, and they well deserve to be noted by every American: "I now make it my earnest prayer, that God would have you, and the state over which you preside, in his holy protection; that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another; for their fellow-citizens of the United States at large; and particularly for their brethren who have served in the field; and, finally, that he would be most graciously pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of the mind, which were the characteristics of the Divine Author of our blessed religion; without an humble imitation of whose example, in these things, we can never hope to be a happy nation." 1783.

On the 3d of September, 1783, the Definitive Treaty of Peace, between Great Britain and the United States of America, was signed at Paris, by David Hartley, Esq., on the part of his Britannic Majesty, 1783.

* See Appendix IV., at the end of the present chapter.

and by John Adams, Benjamin Franklin, and John Jay, Esqs., on the part of the United States.* The Treaty was ratified by Congress early in January, 1784. The importance of this document warrants its being spread out in full upon our pages.

IN THE NAME OF THE MOST HOLY AND UNDIVIDED TRINITY.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent prince, George the Third, by the grace of God King of Great Britain, France, and Ireland, Defender of the Faith, Duke of Brunswick and Lunenburg, Arch-Treasurer and Prince Elector of the holy Roman empire, etc., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation, by the provisional articles signed at Paris, on the 30th of November, 1782, by the commissioners empowered on each part; which articles were agreed to be inserted in, and to constitute the treaty of peace proposed to be concluded between the crown of Great Britain and the said United States, but which treaty was not to be concluded until the terms of peace should be agreed upon between Great Britain and France, and his Britannic majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic majesty and the United States of America, in order to carry into full effect the provisional articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic majesty on his part, David Hartley, Esq., member of the Parliament of Great Britain; and the said United States on their part, John Adams, Esq., late a Com-

* Dr. Franklin, in a letter to Charles Thomson respecting this important event, expresses himself in words well worthy of remembrance: "Thus the great and hazardous enterprise we have been engaged in, is, God be praised, happily completed; an event I hardly expected I should live to see. A few years of peace, well improved, will restore and increase our strength; but our future safety will depend on our union and our virtue. Britain will be long watching for advantages to recover what she has lost. If we do not convince the world, that we are a nation to be depended on for fidelity in treaties; if we appear negligent in paying our debts, and ungrateful to those who have served and befriended us; our reputation, and all the strength it is capable of procuring, will be lost, and fresh attacks upon us be encouraged and promoted by better prospects of success. Let us, therefore, beware of being lulled into a dangerous security, and of being both enervated and impoverished by luxury; of being weakened by internal combinations and divisions; of being shamefully extravagant in contracting private debts, while we are backward in discharging honorably those of the public; of neglect in military exercises and discipline, and in providing stores of arms and munitions of war, to be ready on occasion; for all these are circumstances that give confidence to enemies, and diffidence to friends; and the expenses required to prevent a war are much lighter than those that will, if not prevented, be absolutely necessary to maintain it."

missioner of the United States of America at the court of Versailles, late delegate in Congress from the State of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq., late delegate in Congress from the State of Pennsylania, president of the Convention of the said State, and minister plenipotentiary from the United States of America at the court of Versailles; and John Jay, Esq., late President of Congress, and chief justice of the State of New York, and minister plenipotentiary from the said United States at the court of Madrid; to be the plenipotentiaries for the concluding and signing the present definitive treaty; who, after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

Art. I. His Britannic majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign, and independent States; that he treats them as such, and for himself, his heirs, and successors, relinquishes all claim to the government, proprietary, and territorial rights of the same, and every part thereof.

Art. II. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.: from the northwest angle of Nova Scotia, viz.: that angle which is formed by a line drawn due north from the source of St. Croix River to the high lands which divide those rivers that empty themselves into the River St. Lawrence, from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River; thence drawn along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the River Iroquois or Cataraquy; thence along the middle of said river into Lake Ontario; through the middle of said Lake, until it strikes the communication by water between that lake and Lake Erie; thence along the middle of the said communication into Lake Erie, through the middle of said lake, until it arrives at the water communication between that lake and Lake Huron; thence through the middle of said lake, to the water communication between that lake and Lake Superior; thence through Lake Superior northward to the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most north-westernmost point thereof, and from thence a due west course to the River Mississippi; thence by a line to be drawn along the middle of the said River Mississippi, until it shall in-

tersect the northernmost part of the thirty-first degree of north latitude; south, by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the River Apalachicola or Catahouche; thence along the middle thereof, to its junction with the Flint River; thence straight to the head of St. Mary's River, and thence down the middle of St. Mary's River, to the Atlantic Ocean; east, by a line to be drawn along the middle of the River St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid high lands, which divide the rivers that fall into the Atlantic Ocean from those which fall into the River St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Art. III. It is agreed, that the people of the United States shall continue to enjoy unmolested, the right to take fish of every kind on the Great Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island,) and also on the coasts, bays, and creeks, of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but as soon as the same shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Art. IV. It is agreed, that the creditors, on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

Art. V. It is agreed, that Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights, and properties, which have been confiscated, belonging to real British subjects; and also of the estates, rights, and properties, of persons resident in districts in the possession of his majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and prop-

erties, as may have been confiscated; and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should invariably prevail; and that Congress shall also earnestly recommend to the several States, that the estates, rights, and properties of such last-mentioned persons, shall be restored to them, they refunding to any persons who may be now in possession, the *bona fide* price, (where any has been given,) which such persons may have paid on purchasing any of the said lands, rights, or properties, since the confiscation.* And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Art. VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

Art. VII. There shall be a firm and perpetual peace between his Britannic majesty and the said United States, and between the subjects of the one and the citizens of the other; wherefore all hostilities, both by sea and land, shall from henceforth cease; all prisoners, on both sides, shall be set at liberty; and his Britannic majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every post, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored, and delivered to the proper States and persons to whom they belong.

Art. VIII. The navigation of the River Mississippi, from its source to the Ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

Art. IX. In case it should so hap-

* On the subject of restitution and compensation to the loyalists, and the difficulties connected with this matter, see Mr. Sabine's "*American Loyalists*," pp. 94, etc. Some four or five thousand of these were compensated by the British government, which distributed about $16,000,000 among them, and pensioned a considerable number of those who had taken up arms for the crown. It is plain, from this, that the tories, as a body, fared much better than those who served and suffered in the cause of their country.

pen, that any place or territory, belonging to Great Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed, that the same shall be restored without difficulty and without requiring any compensation.

ART. X. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

On the 18th of October, Congress issued a proclamation for disbanding the army. A small force only was retained, consisting of sufficient troops in the service of the United States, to act until the peace establishment should be organized. Speaking in most exalted terms of the fortitude, magnanimity, and virtue of the army, Congress presented the thanks of the country to the officers and soldiers, for their long, eminent, and faithful services. From and after the 3d of November following, the army was entirely discharged from service.

1783.

On the day preceding the discharge of the army, the commander-in-chief issued his farewell orders to the army. These were full of earnest and affectionate advice, sound manly principles, and fervent wishes for the prosperity of his brethren in arms. "The commander-in-chief"—these are his concluding words—"conceives little is now wanting to enable the soldier to change the military character into that of a citizen, but that steady and decent tenor of behavior, which has generally distinguished not only the army under his immediate command, but the different detachments and separate armies, through the course of the war. From their good sense and prudence, he anticipates the happiest consequences: and while he congratulates them on the glorious occasion which renders their services in the field no longer necessary, he wishes to express the strong obligations he feels himself under, for the assistance he has received from every class, and in every instance. He presents his thanks, in the most serious and affectionate manner to the general officers, as well for their counsel on many interesting occasions, as for their ardor in promoting the success of the plans he had adopted; to the commandants of regiments and corps, and to the officers, for their zeal and attention in carrying his orders promptly into execution; to the staff, for their alacrity and exactness, in performing the duties of their several departments; and to the non-commissioned officers and private soldiers, for their extraordinary patience in suffering, as well as their invincible fortitude in action. To various branches of the army, the general takes this last and solemn opportunity of professing his inviolable attachment and friendship. He wishes more than bare profession were in his power, that he was really able to be useful to them all in future life. He flatters himself, however, they will do him the justice to believe, that whatever could with propriety be at-

tempted by him, has been done. And being now to conclude these, his last public orders, to take his ultimate leave, in a short time, of the military character, and to bid a final adieu to the armies he has so long had the honor to command, he can only again offer, in their behalf, his recommendations to their grateful country, and his prayers to the God of armies. May ample justice be done them here, and may the choicest of heaven's favors, both here and hereafter, attend those, who, under the divine auspices, have secured innumerable blessings for others! With these wishes, and this benediction, the commander-in-chief is about to retire from service. The curtain of separation will soon be drawn, and the military scene to him will be closed forever."

1783.

Sir Guy Carleton, who had received orders to evacuate New York, gave notice in the summer, of his intention of so doing. Various delays, however, occurred; principally, in consequence of the British commander feeling bound to provide for the removal of large numbers of refugees, who feared to await the return to power of their countrymen; and it was not till November, that arrangements could be completed. On the morning of Tuesday, the 25th, Washington, with the United States troops, under General Knox, and Governor Clinton, escorted by a body of Westchester light-horse, advanced to the upper part of the city. At one o'clock, as the British retired, the Americans slowly marched in, and possession was taken by the civil authority of the state. The whole day passed off in admirable order and tranquillity. The following Monday, December 1st, the governor gave an elegant entertainment to the French minister, the Chevalier de la Luzerne, at which Washington, and a large company, were present. Magnificent fireworks succeeded in the evening of the next day, at the Bowling Green, in Broadway.

1783.

A further, and peculiarly severe, trial yet awaited Washington. He was now to bid adieu to his beloved companions in arms, with whom he had served throughout a long and arduous war, and to whom he was most sincerely and warmly attached. This last affecting interview took place on the 4th of December. "At noon," says Marshall, following Gordon, "the principal officers of the army assembled at Frances's tavern, soon after which their beloved commander entered the room. His emotions were too strong to be concealed. Filling a glass, he turned to them, and said, 'With a heart full of love and gratitude, I now take leave of you. I most devoutly wish, that your latter days may be as prosperous and happy, as your former ones have been glorious and honorable.' Having drunk, he added, 'I cannot come to each of you to take my leave, but shall be obliged, if each of you will come and take me by the hand.' General Knox, being nearest, turned to him. Washington, incapable of utterance, grasped his hand, and embraced him. In the same affectionate manner, he took leave of every succeeding officer. The tear of manly sensibility was in

1783.

every eye; and not a word was articulated, to interrupt the dignified silence, and the tenderness of the scene. Leaving the room, he passed through the corps of light infantry, and walked to Whitehall, where a barge waited to convey him to Paulus Hook. The whole company followed in mute and solemn procession, with dejected countenances, testifying feelings of delicious melancholy, which no language can describe. Having entered the barge, he turned to the company, and waving his hat, bid them a silent adieu. They paid him the same affectionate compliment; and after the barge had left them, returned in the same solemn manner to the place where they had assembled."*

Congress, who had been in session at Princeton, since the end of June, adjourned, in November, to Annapolis, to which latter place, Washington now proceeded, in order to put a close to his public career. Everywhere was he greeted with the most earnest expressions of gratitude and affection, and public addresses were presented to him by the legislatures, towns, societies, and the like. Depositing at Philadelphia, with the comptroller, an exact account of his expenses during the war, all written out with his own hand, Washington arrived at Annapolis, on the 19th of December, and signified to Congress, that he was prepared to resign his commission into their hands. In order to give all honor to so august an occasion, it was determined that the resignation should be received at a public session, and in the presence of Washington's fellow-citizens.

1783.

Accordingly, on the 23d, the illustrious patriot appeared before Congress, for this purpose. A vast concourse of spectators attended, and the gallery, and a part of the floor, were graced by the fair forms of the mothers and daughters of America. Numerous public functionaries of the state of Maryland, and the consul-general of France, were also present. Congress were seated and covered, as representatives of the sovereignty of the Union; the spectators were uncovered and standing. Washington was introduced to a chair by the secretary, who, after a decent interval, ordered silence. A short pause ensued, when he was informed, that "the United States in Congress assembled, were prepared to receive his communications." Washington thereupon rose, with great dignity, and delivered an impressive address, a copy of which, together with his commission, he handed to the president of Congress, and remained standing in his place, awaiting a reply.*

General Mifflin had recently been elected president of Congress, and it was peculiarly apposite, that the present duty should have devolved upon him. Not less affected than was the whole assemblage, Mifflin replied, in terms of reverential courtesy and earnest regard; and GEORGE WASHINGTON,

* Marshall's "*Life of Washington*," vol. ii., p. 57: Gordon's "*History of the American Revolution*," vol. iii., p. 377.

* See Appendix V., at the end of the present chapter.

now on an equality, as to official position, with the humblest of his fellow-citizens, retired from the Hall of Congress, covered with imperishable renown. The next day, he reached the coveted retirement of Mount Vernon, from which he had been absent nearly nine years.

With this scene, unequalled for sublimity in the annals of the world, we may properly close this Third Book of our history. We shall add only a single sentence from Washington's address: "I consider it as an indispensable duty, to close this last act of my official life, by commending the interests of our dearest country, to the protection of Almighty God, and those who have the superintendence of them, to His holy keeping."

APPENDIX TO CHAPTER IX.

I. EXTRACT FROM WATSON'S "MEN AND TIMES OF THE REVOLUTION."

At an early hour on the 5th of December, 1782, in conformity with previous arrangements, I was conducted by the Earl of Ferrers to the very entrance of the House of Lords. At the door he whispered, "Get as near the throne as you can: fear nothing." I did so, and found myself exactly in front of it, elbow to elbow with the celebrated Admiral Lord Howe. The Lords were promiscuously standing as I entered. It was a dark and foggy day; and the windows being elevated, and constructed in the antiquated style, with leaden bars to contain the diamond-cut panes of glass, increased the gloom. The walls were hung with dark tapestry, representing the defeat of the Spanish Armada. I had the pleasure of recognizing in the crowd of spectators, Copley, and West the painter, with some American ladies. I saw also some dejected American royalists in the group.

After waiting nearly two hours, the approach of the King was announced by a tremendous roar of artillery. He entered by a small door on the left of the throne, and immediately seated himself upon the chair of state, in a graceful attitude, with his right foot resting upon a stool. He was clothed in royal robes. Apparently agitated, he drew from his pocket the scroll containing his speech. The Commons were summoned; and, after the bustle of their entrance had subsided, he proceeded to read his speech. I was near the King, and watched, with intense interest, every tone of his voice, and expression of his countenance. It was to me a moment of thrilling and dignified exultation. After some general and usual remarks, he continued:—

"I lost no time, in giving the necessary orders to prohibit the further prosecution of offensive war upon the continent of North America. Adopting, as my inclination will always lead me to do, with decision and effect, whatever I collect to be the sense of my Parliament and my people, I have pointed all my views and measures, in Europe, as in North America, to an entire and cordial reconciliation with the colonies. Finding it indispensable to the attainment of this object, I did not hesitate to go to the full length of the powers vested in me, and offer to declare them."—— Here he paused, and was in evident agitation; either embarrassed in reading his speech, by the darkness of the room, or affected by a very *natural emotion*. In a moment he resumed:—"and offer to declare them *free and independent States*. In thus admitting their separation from the crown of these kingdoms, I have sacrificed every consideration of my own, to the wishes and opinions of my people. I make it my humble and ardent prayer to Almighty God, that Great Britain may not feel the evils which might result

from so great a dismemberment of the Empire, and that America may be free from the calamities which have formerly proved, in the mother country, how essential monarchy is to the enjoyment of constitutional liberty. Religion, language, interests, and affection, may, and I hope will, yet prove a bond of permanent union between the two countries."

It is remarked, that George III. is celebrated for reading his speeches, in a distinct, free, and impressive manner. On this occasion, he was evidently embarrassed; he hesitated, choked, and executed the painful duties of the occasion, with an ill grace that does not belong to him. I cannot adequately portray my sensations, in the progress of this address; every artery beat high, and swelled with my proud American blood. It was impossible not to revert to the opposite shores of the Atlantic, and to review, in my mind's eye, the misery and woe I had myself witnessed, in several stages of the contest, and the wide-spread desolation resulting from the stubbornness of this very King, now so prostrate, but who had turned a deaf ear to our humble and importunate petitions for relief. Yet, I believe that George III. acted under what he felt to be the high and solemn claims of constitutional duty.

The great drama was now closed. The battle of Lexington exhibited its first scene. The Declaration of Independence was a lofty and glorious event in its progress; and the ratification of our Independence by the King, consummated the spectacle in triumph and exultation. This successful issue of the American Revolution, will, in all probability, influence eventually the destinies of the whole human race. Such had been the sentiment and language of men of the profoundest sagacity and prescience, during and anterior to the conflict, in all appeals to the people. In leaving the house, I jostled Copley and West, who I thought were enjoying the rich political repast of the day, and noticing the anguish and despair depicted on the long visages of our American Tories.

II. THE NEWBURG ADDRESSES.

TO THE OFFICERS OF THE ARMY.

GENTLEMEN: A fellow-soldier, whose interest and affections bind him strongly to you—whose past sufferings have been as great, and whose future fortune may be as desperate, as yours—would beg leave to address you.

Age has its claims, and rank is not without its pretensions to advise, but, though unsupported by both, he flatters himself that the plain language of sincerity and experience will neither be unheard nor unregarded.

Like many of you he loved private life, and left it with regret. He left it, determined to retire from the field, with the necessity that called him to it, and not till then—not till the enemies of his country, the slaves of power, and the hirelings of injustice, were compelled to abandon their schemes, and acknowledge America as terrible in arms as she had been humble in remonstrance. With this object in view, he has long shared in your toils and mingled in your dangers. He has felt the cold hand of poverty without a murmur, and has seen the insolence of wealth without a sigh. But too much under the direction of his wishes, and sometimes weak enough to mistake desire for opinion, he has till lately—very lately—believed in the justice of his country. He hoped that, as the clouds of adversity scattered, and as the sunshine of peace and better fortune broke in on us, the coldness and severity of government would relax, and that more than justice, that gratitude, would blaze forth on those hands which had upheld her, in the darkest stages of her passage from impending servitude to acknowledged independence. But faith has its limits, as well as temper, and there are points beyond which neither can be stretched, without sinking into cowardice or plunging into credulity. This, my friends, I conceive to be your situation: hurried to the very edge of both, another step would ruin you forever. To be tame and unprovoked when injuries press hard on you, is more than weakness; but to look up for kinder usage, without one manly effort of your own, would fix your character, and show the world how richly you deserve those chains you broke. To guard against this evil, let us take a review of the ground on which we now stand, and thence carry our thoughts forward for a moment, into the unexplored field of experiment.

After a pursuit of seven long years, the object for which we set out is at length brought within our reach—yes, my friends, that suffering courage

of yours was active once: it has conducted the United States of America through a doubtful and bloody war. It has placed her in the chair of independency, and peace returns again to bless —whom? A country willing to redress your wrongs, cherish your worth, and reward your services? A country courting your return to private life, with tears of gratitude and smiles of admiration, longing to divide with you that independency which your gallantry has given, and those riches which your wounds have preserved? Is this the case? or is it rather a country that tramples on your rights, disdains your cries, and insults your distresses? Have you not more than once suggested your wishes, and made known your wants to Congress?—wants and wishes which gratitude and policy should have anticipated rather than evaded; and have you not lately, in the meek language of entreating memorials, begged from their justice what you could no longer expect from their favor? How have you been answered? Let the letter which you are called to consider to-morrow reply.

If this, then, be your treatment, while the swords you wear are necessary for the defence of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate by division?—when those very swords, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction be left but your wants, infirmities, and scars? Can you, then, consent to be the only sufferers by this Revolution, and, retiring from the field, grow old in poverty, wretchedness, and contempt? Can you consent to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity which has hitherto been spent in honor? If you can, go—and carry with you the jest of tories and the scorn of whigs; the ridicule, and, what is worse, the pity of the world. Go—starve, and be forgotten! But if your spirit should revolt at this; if you have sense enough to discover, and spirit enough to oppose tyranny under whatever garb it may assume; whether it be the plain coat of republicanism, or the splendid robe of royalty; if you have not yet learned to discriminate between a people and a cause, between men and principles—awake; attend to your situation, and redress yourselves. If the present moment be lost, every future effort is in vain; and your threats then, will be as empty as your entreaties now.

I would advise you, therefore, to come to some final opinion on what you can bear, and what you will suffer. If your determination be in any proportion to your wrongs, carry your appeal from the justice, to the fears of government. Change the milk-and-water style of your last memorial; assume a bolder tone—decent, but lively, spirited and determined, and suspect the man who would advise to more moderation and longer forbearance. Let two or three men who can feel as well as write, be appointed to draw up your *last remonstrance;* for I would no longer give it the suing, soft, unsuccessful epithet of memorial. Let it be represented in language that will neither dishonor you by its rudeness, nor betray you by its fears, what has been promised by Congress, and what has been performed—how long and how patiently you have suffered—how little you have asked, and how much of that little has been denied. Tell them that, though you were the first, and would wish to be the last to encounter danger, though despair itself can never drive you into dishonor, it may drive you from the field; the wound often irritated, and never healed, may at length become incurable; and that the slightest mark of indignity from Congress now must operate like the grave, and part you forever; that in any political event, the army has its alternative. If peace, that nothing shall separate you from your arms but death; if war, that, courting the auspices and inviting the directions of your illustrious leader, you will retire to some unsettled country, smile in your turn, and "mock when their fear cometh." But let it represent, also, that should they comply with the request of your late memorial, it would make you more happy, and them more respectable; that while war should continue, you would follow their standard into the field, and when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause; an army victorious over its enemies —victorious over itself.

III. WASHINGTON'S ADDRESS TO THE OFFICERS OF THE ARMY.

GENTLEMEN: By an anonymous summons, an attempt has been made to convene you together. How inconsistent with the rules of propriety, how unmilitary, and how subversive of all order and discipline, let the good sense of the army decide.

In the moment of this summons, another anonymous production was sent into circulation, addressed more to the feelings and passions than to the judgment of the army. The author of the piece is entitled to much credit for the goodness of his pen; and I could wish he had as much credit for the rectitude of his heart; for, as men see through different optics, and are induced by the reflecting faculties of the mind to use different means to attain the same end, the author of the address should have had more charity than to "mark for suspicion the man who should recommend moderation and longer forbearance;" or, in other words, who should not think as he thinks, and act as he advises. But he had another plan in view, in which candor and liberality of sentiment, regard to justice and love of country, have no part; and he was right to insinuate the darkest suspicion to effect the blackest design. That the address was drawn with great art, and is designed to answer the most insidious purposes; that it is calculated to impress the mind with an idea of premeditated injustice in the sovereign power of the United States, and rouse all those resentments which must unavoidably flow from such a belief; that the secret mover of this scheme, whoever he may be, intended to take advantage of the passions, while they were warmed by the recollection of past distresses, without giving time for cool, deliberative thinking, and that composure of mind which is so necessary to give dignity and stability to measures, is rendered too obvious, by the mode of conducting the business, to need other proof than a reference to the proceedings.

Thus much, gentlemen, I have thought it incumbent on me to observe to you, to show on what principles I opposed the irregular and hasty meeting which was proposed to have been held on Tuesday last, and not because I wanted a disposition to give you every opportunity, consistently with your own honor and the dignity of the army, to make known your grievances. If my conduct heretofore has not evinced to you that I have been a faithful friend to the army, my declaration of it at this time would be equally unavailing and improper. But as I was among the first who embarked in the cause of our common country; as I have never left your side one moment, but when called from you on public duty; as I have been the constant companion and witness of your distresses, and not among the last to feel and acknowledge your merits; as I have ever considered my own military reputation as inseparably connected with that of the army; as my heart has ever expanded with joy when I have heard its praises, and my indignation has arisen when the mouth of detraction has been opened against it; it can scarcely be supposed at this last stage of the war that I am indifferent to its interests. But how are they to be promoted? The way is plain, says the anonymous addresser: "If war continues, remove into the unsettled country; there establish yourselves, and leave an ungrateful country to defend itself!" But who are they to defend?—our wives, our children, our farms and other property which we leave behind us? or in this state of hostile separation, are we to take the two first—the latter cannot be removed—to perish in a wilderness, with hunger, cold and nakedness?

"If peace takes place, never sheath your swords," says he, "till you have obtained full and ample justice." This dreadful alternative of either deserting our country in the extremest hour of her distress, or turning our arms against it, which is the apparent object, unless Congress can be compelled into instant compliance, has something so shocking in it, that humanity revolts at the idea. My God! what can this writer have in view, by recommending such measures? Can he be a friend to the army? Can he be a friend to this country? Rather, is he not an insidious foe—some emissary, perhaps, from New York—plotting the ruin of both, by sowing the seeds of discord and separation between the civil and military powers of the continent? And what a compliment does he pay our understandings, when he recommends measures, in either alternative, impracticable in their nature? But here, gentlemen, I will drop the curtain, because it would be as imprudent in me to assign my reasons for this opinion, as it would be insulting to your conception to suppose you stood in need

of them. A moment's reflection will convince every dispassionate mind of the physical impossibility of carrying either proposal into execution. There might, gentlemen, be an impropriety in my taking notice, in this address to you, of an anonymous production; but the manner in which this performance has been introduced to the army; the effect it was intended to have, together with some other circumstances, will amply justify my observations on the tendency of this writing.

With respect to the advice given by the author, to suspect the man who shall recommend moderate measures and longer forbearance, I spurn it, as every man who regards that liberty and reveres that justice for which we contend, undoubtedly must; for if men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind, reason is of no use to us. The freedom of speech may be taken away, and, dumb and silent, we may be led, like sheep to the slaughter. I cannot in justice to my own belief, and what I have great reason to conceive is the intention of Congress, conclude this address without giving it as my decided opinion, that that honorable body entertain exalted sentiments of the services of the army, and, from a full conviction of its merits and sufferings, will do it complete justice. That their endeavors to discover and establish funds for this purpose have been unwearied, and will not cease till they have succeeded, I have not a doubt.

But, like all other large bodies, where there is a variety of different interests to reconcile, their determinations are slow. Why then should we distrust them? and in consequence of this distrust, adopt measures which may cast a shade over that glory which has been so justly acquired, and tarnish the reputation of an army which is celebrated through all Europe for its fortitude and patriotism? And for what is this done?—to bring the object we seek nearer? No; most certainly, in my opinion, it will cast it at a greater distance. For myself, (and I take no merit in giving the assurance, being induced to it from principles of gratitude, veracity, and justice, and a grateful sense of the confidence you have ever placed in me,) a recollection of the cheerful assistance and prompt obedience I have experienced from you, under every vicissitude of fortune, and the sincere affection I feel for an army I have so long had the honor to command, will oblige me to declare, in this public and solemn manner, that in the attainment of complete justice for all your trials and dangers, and in the gratification of every wish, so far as may be done consistently with the great duty I owe my country, and those powers we are bound to respect, you may freely command my services to the utmost extent of my abilities.

While I give you these assurances, and pledge myself, in the most unequivocal manner, to exert whatever abilities I am possessed of in your favor, let me entreat you, gentlemen, on your part, not to take any measures which, viewed in the calm light of reason, will lessen the dignity and sully the glory you have hitherto maintained. Let me request you to rely on the plighted faith of your country, and place a full confidence in the purity of the intentions of Congress; that, previous to your dissolution as an army, they will cause all your accounts to be fairly liquidated, as directed in the resolutions which were published to you two days ago; and that they will adopt the most effectual measures in their power to render ample justice to you for your faithful and meritorious services. And let me conjure you, in the name of our common country, as you value your own sacred honor; as you respect the rights of humanity; and as you regard the military and national character of America; to express your utmost horror and detestation of the man who wishes, under any specious pretences, to overturn the liberties of our country; and who wickedly attempts to open the flood-gates of civil discord, and deluge our rising empire in blood.

By thus determining, and thus acting, you will pursue the plain and direct road to the attainment of your wishes; you will defeat the insidious designs of our enemies, who are compelled to resort from open force to secret artifice. You will give one more distinguished proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings; and you will, by the dignity of your conduct, afford occasion for posterity to say, when speaking of the glorious example you have exhibited to mankind, "Had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

IV. A CIRCULAR LETTER

From his Excellency George Washington, Commander-in-chief of the Armies of the United States of America, to the Governors of the several States.

HEAD-QUARTERS, NEWBURG, *June* 8, 1783.

SIR: The great object for which I had the honor to hold an appointment in the service of my country being accomplished, I am now preparing to resign it into the hands of Congress, and return to that domestic retirement, which it is well known I left with the greatest reluctance; a retirement for which I never ceased to sigh through a long and painful absence, in which (remote from the noise and trouble of the world) I meditate to pass the remainder of life, in a state of undisturbed repose: but before I carry this resolution into effect, I think it a duty incumbent on me to make this my last official communication, to congratulate you on the glorious events which heaven has been pleased to produce in our favor, to offer my sentiments respecting some important subjects, which appear to me to be intimately connected with the tranquillity of the United States, to take my leave of your Excellency as a public character, and to give my final blessing to that country in whose service I have spent the prime of my life; for whose sake I have consumed so many anxious days and watchful nights, and whose happiness, being extremely dear to me, will always constitute no inconsiderable part of my own.

Impressed with the liveliest sensibility on this pleasing occasion, I will claim the indulgence of dilating the more copiously on the subject of our mutual felicitation. When we consider the magnitude of the prize we contended for, the doubtful nature of the contest, and the favorable manner in which it has terminated; we shall find the greatest possible reason for gratitude and rejoicing; this is a theme that will afford infinite delight to every benevolent and liberal mind, whether the event in contemplation be considered as a source of present enjoyment, or the parent of future happiness; and we shall have equal occasion to felicitate ourselves on the lot which Providence has assigned us, whether we view it in a natural, a political, or moral point of view.

The citizens of America, placed in the most enviable condition, as the sole lords and proprietors of a vast tract of continent, comprehending all the various soils and climates of the world, and abounding with all the necessaries and conveniences of life, are now by the late satisfactory pacification, acknowledged to be possessed of absolute freedom and independency; they are from this period to be considered as the actors on a most conspicuous theatre, which seems to be peculiarly designed by Providence for the display of human greatness and felicity: here they are not only surrounded with every thing that can contribute to the completion of private and domestic enjoyment, but Heaven has crowned all its other blessings by giving a surer opportunity for political happiness than any other nation has ever been favored with. Nothing can illustrate these observations more forcibly than the recollection of the happy conjuncture of these times and circumstances under which our Republic assumed its rank among the nations. The foundation of our empire has not been laid in a gloomy age of ignorance and superstition, but at an epocha when the rights of mankind were better understood and more clearly defined, than at any former period: researches of the human mind after social happiness have been carried to a great extent: the treasures of knowledge acquired by the labors of philosophers, sages, and legislators, through a long succession of years, are laid open for use, and their collected wisdom may be happily applied in the establishment of our forms of government: the free cultivation of letters, the unbounded extension of commerce, the progressive refinement of manners, the growing liberality of sentiment, and above all, the pure and benign light of Revelation, have had a meliorating influence on mankind, and increased the blessings of society. At this auspicious period the United States came into existence as a nation, and if their citizens should not be completely free and happy, the fault will be entirely their own.

Such is our situation, and such are our prospects; but notwithstanding the cup of blessing is thus reached out to us; notwithstanding happiness is ours, if we have a disposition to seize the occasion, and make it our own; yet it appears to me, there is an option still left to the United States of America, whether they will be respectable and prosperous, or contemptible and miserable as a nation. This is the time of their po-

litical probation; this is the moment when the eyes of the world are turned upon them; this is the time to establish or ruin their national character forever; this is the favorable moment to give such a tone to the Federal Government, as will enable it to answer the ends of its institution; or this may be the ill-fated moment for relaxing the powers of the Union, annihilating the cement of the Confederation, and exposing us to become the sport of European politics, which may play one State against another, to prevent their growing importance, and to serve their own interested purposes. For, according to the system of policy the States shall adopt at this moment, they will stand or fall; and by their confirmation or lapse, it is yet to be decided, whether the Revolution must ultimately be considered as a blessing or a curse; a blessing, or a curse, not to the present age alone; for, with our fate, will the destiny of unborn millions be involved.

With this conviction of the importance of the present crisis, silence in me would be a crime. I will therefore speak to your Excellency the language of freedom and sincerity, without disguise. I am aware, however, those who differ from me in political sentiments, may perhaps remark, I am stepping out of the proper line of my duty; and they may possibly ascribe to arrogance or ostentation, what I know is alone the result of the purest intention; but the rectitude of my own heart, which disdains such unworthy motives; the part I have hitherto acted in life; the determination I have formed, of not taking any share in public business hereafter; the ardent desire I feel, and shall continue to manifest, of quietly enjoying in private life, after all the toils of war, the benefits of a wise and liberal government, will, I flatter myself, sooner or later, convince my countrymen, that I could have no sinister views in delivering, with so little reserve, the opinions contained in this address.

There are four things which I humbly conceive, are essential to the well-being, I may even venture to say, to the existence, of the United States, as an independent power.

1st. An indissoluble union of the States under one federal head.

2dly. A sacred regard to public justice.

3dly. The adoption of a proper peace establishment. And,

4thly. The prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and politics, to make those mutual concessions which are requisite to the general prosperity, and in some instances, to sacrifice their individual advantages to the interest of the community.

These are the pillars on which the glorious fabric of our independence and national character must be supported. Liberty is the basis, and whoever would dare to sap the foundation, or overturn the structure, under whatever specious pretext he may attempt it, will merit the bitterest execration, and the severest punishment, which can be inflicted by his injured country.

On the three first articles I will make a few observations, leaving the last to the good sense and serious consideration of those immediately concerned.

Under the first head, although it may not be necessary or proper for me, in this place, to enter into a particular disquisition of the principles of the Union, and to take up the great question which has been frequently agitated, whether it be expedient and requisite for the States to delegate a large proportion of power to Congress or not; yet it will be a part of my duty, and that of every true patriot, to assert without reserve, and to insist upon the following positions. That unless the States will suffer Congress to exercise those prerogatives they are undoubtedly invested with by the Constitution, every thing must very rapidly tend to anarchy and confusion. That it is indispensable to the happiness of the individual States, that there should be lodged somewhere a supreme power, to regulate and govern the general concerns of the confederated republic, without which the Union cannot be of long duration. There must be a faithful and pointed compliance on the part of every State, with the late proposals and demands of Congress, or the most fatal consequences will ensue. That whatever measures have a tendency to dissolve the Union, or contribute to violate or lessen the sovereign authority, ought to be considered as hostile to the liberty and independence of America, and the authors of them treated accordingly. And lastly, that unless we can be enabled, by the concurrence of the States, to participate in the fruits of the Revolution, and

enjoy the essential benefits of civil society, under a form of government so free and uncorrupted, so happily guarded against the danger of oppression, as has been devised and adopted by the Articles of Confederation, it will be the subject of regret, that so much blood and treasure have been lavished for no purpose; that so many sufferings have been counteracted without a compensation, and that so many sacrifices have been made in vain. Many other considerations might here be adduced to prove, that without an entire conformity to the spirit of the Union, we cannot exist as an independent power. It will be sufficient for my purpose to mention but one or two, which seem to me of the greatest importance. It is only in our united character, as an empire, that our independence is acknowledged, that our power can be regarded, or our credit supported among foreign nations. The treaties of the European powers with the United States of America, will have no validity on the dissolution of the Union. We shall be left nearly in a state of nature, or we may find by our own unhappy experience, that there is a natural and necessary progression from the extreme of anarchy to the extreme of tyranny; and that arbitrary power is most easily established on the ruins of liberty abused to licentiousness.

As to the second article, which respects the performance of public justice, Congress have, in their late address to the United States, almost exhausted the subject; they have explained their ideas so fully, and have enforced the obligations the States are under, to render complete justice to all the public creditors, with so much dignity and energy, that, in my opinion, no real friend to the honor and independency of America, can hesitate a single moment respecting the propriety of complying with the just and honorable measures proposed. If their arguments do not produce conviction, I know of nothing that will have a greater influence, especially when we reflect, that the system referred to, being the result of the collected wisdom of the continent, must be esteemed, if not perfect, certainly the least objectionable of any that could be devised; and that if it should not be carried into immediate execution, a national bankruptcy, with all its deplorable consequences, will take place, before any different plan can possibly be proposed or adopted; so pressing are the present circumstances, and such the alternative now offered to the States.

The ability of the country to discharge the debts which have been incurred in its defence, is not to be doubted. An inclination, I flatter myself, will not be wanting; the path of our duty is plain before us; honesty will be found, on every experiment, to be the best and only true policy. Let us, then, as a nation, be just; let us fulfil the public contracts which Congress had undoubtedly a right to make for the purpose of carrying on the war, with the same good faith we suppose ourselves bound to perform our private engagements. In the mean time, let an attention to the cheerful performance of their proper business, as individuals, and as members of society, be earnestly inculcated on the citizens of America; then will they strengthen the bands of government, and be happy under its protection. Every one will reap the fruit of his labors; every one will enjoy his own acquisitions, without molestation, and without danger.

In this state of absolute freedom, and perfect security, who will grudge to yield a very little of his property, to support the common interests of society, and ensure the protection of government? Who does not remember the frequent declarations at the commencement of the war, that we should be completely satisfied, if, at the expense of one half, we could defend the remainder of our possessions? Where is the man to be found, who wishes to remain indebted for the defence of his own person and property to the exertions, the bravery, and the blood of others, without making one generous effort to pay the debt of honor and of gratitude? In what part of the continent shall we find any man, or body of men, who would not blush to stand up, and propose measures purposely calculated to rob the soldier of his stipend, and the public creditor of his due? And were it possible, that such a flagrant instance of injustice could ever happen, would it not excite the general indignation, and tend to bring down upon the authors of such measures, the aggravated vengeance of heaven? If, after all, a spirit of disunion, or a temper of obstinacy and perverseness should manifest itself in any of the States; if such an ungracious disposition should attempt to frustrate all the happy effects that might be expected to flow from the Union; if there should be a re-

fusal to comply with the requisitions for funds to discharge the annual interest of the public debts, and if that refusal should revive all those jealousies, and produce all those evils which are now happily removed; Congress, who have in all their transactions, shown a great degree of magnanimity and justice, will stand justified in the sight of God and man! And that State alone, which puts itself in opposition to the aggregate wisdom of the continent, and follows such mistaken and pernicious counsels, will be responsible for all the consequences.

For my own part, conscious of having acted while a servant of the public, in the manner I conceived best suited to promote the real interests of my country; having, in consequence of my fixed belief, in some measure pledged myself to the army that their country would finally do them complete and ample justice, and not willing to conceal any instance of my official conduct from the eyes of the world, I have thought proper to transmit to your Excellency the enclosed collection of papers, relative to the half-pay and commutation granted by Congress to the officers of the army; from these communications, my decided sentiments will be clearly comprehended, together with the conclusive reasons, which induced me at an early period, to recommend the adoption of this measure in the most earnest and serious manner. As the proceedings of Congress, the army, and myself, are open to all, and contain, in my opinion, sufficient information, to remove the prejudice and errors which may have been entertained by any, I think it unnecessary to say any thing more, than just to observe, that the resolutions of Congress, now alluded to, are as undoubtedly and absolutely binding on the United States, as the most solemn acts of confederation or legislation.

As to the idea, which I am informed has, in some instances, prevailed, that the half-pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever; that provision should be viewed, as it really was, a reasonable compensation offered by Congress, at a time when they had nothing else to give to officers of the army, for services then to be performed: it was the only means to prevent a total dereliction of the service; it was a part of their hire. I may be allowed to say, it was the price of their blood, and of your independency; it is therefore more than a common debt, a debt of honor; it can never be considered as a pension or gratuity, nor cancelled until it is fairly discharged.

With regard to the distinction between officers and soldiers, it is sufficient that the uniform experience of every nation in the world, combined with our own, proves the utility and propriety of the discrimination. Rewards, in proportion to the aid the public draws from them, are unquestionably due to all its servants. In some lines, the soldiers have perhaps had as ample compensation for their services, by the large bounties which have been paid to them, as their officers will receive in the proposed commutation: in others, if, besides the donation of land, the payment of arrearages of clothing and wages (in which articles all the component parts of the army must be put upon the same footing) we take into the estimate the bounties many of the soldiers have received, and the gratuity of one year's full pay, which is promised to all, possibly their situation (every circumstance being duly considered) will not be deemed less eligible than that of the officers. Should a further reward, however, be judged equitable, I will venture to assert, no man will enjoy greater satisfaction than myself, in an exemption from taxes for a limited time, (which has been petitioned for in some instances,) or any other adequate immunity or compensation granted to the brave defenders of their country's cause; but neither the adoption nor rejection of this proposition will in any manner affect, much less militate against, the act of Congress, by which they have offered five years' full pay, in lieu of the half-pay for life, which had been before promised to the officers of the army.

Before I conclude the subject on public justice, I cannot omit to mention the obligations this country is under to that meritorious class of veterans, the non-commissioned officers and privates who have been discharged for inability, in consequence of the resolution of Congress, of the 23d of April, 1782, on an annual pension for life. Their peculiar sufferings, their singular merits and claims to that provision, need only to be known, to interest the feelings of humanity in their behalf. Nothing but a punctual payment of their annual allowance can rescue them from

the most complicated misery; and nothing could be a more melancholy and distressing sight, than to behold those who have shed their blood, or lost their limbs in the service of their country, without a shelter, without a friend, and without the means of obtaining any of the comforts or necessaries of life, compelled to beg their daily bread from door to door. Suffer me to recommend those of this description, belonging to your State, to the warmest patronage of your Excellency and your Legislature.

It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defence of the republic. As there can be little doubt but Congress will recommend a proper peace establishment for the United States, in which a due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing; if this should be the case, I should beg leave to urge the great advantage of it in the strongest terms.

The militia of this country must be considered as the palladium of our security, and the first effectual resort in case of hostility; it is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform; and that the same species of arms, accoutrements, and military apparatus, should be introduced in every part of the United States. No one, who has not learned it from experience, can conceive the difficulty, expense, and confusion which result from a contrary system, or the vague arrangements which have hitherto prevailed.

If, in treating of political points, a greater latitude than usual has been taken in the course of the Address, the importance of the crisis and magnitude of the objects in discussion, must be my apology; it is, however, neither my wish nor expectation, that the preceding observations should claim any regard, except so far as they shall appear to be dictated by a good intention, consonant to the immutable rules of justice, calculated to produce a liberal system of policy, and founded on whatever experience may have been acquired by a long and close attention to public business. Here I might speak with more confidence, from my actual observations; and if it would not swell this letter (already too prolix) beyond the bounds I had prescribed myself, I could demonstrate to every mind, open to conviction, that in less time, and with much less expense than has been incurred, the war might have been brought to the same happy conclusion, if the resources of the continent could have been properly called forth; that the distresses and disappointments which have very often occurred, have, in too many instances, resulted more from a want of energy in the continental government, than a deficiency of means in the particular States; that the inefficiency of the measures, arising from the want of an adequate authority in the supreme power, from a partial compliance with the requisitions of Congress in some of the States, and from a failure of punctuality in others, while they tended to damp the zeal of those who were more willing to exert themselves, served also to accumulate the expenses of the war, and to frustrate the best concerted plans; and that the discouragement occasioned by the complicated difficulties and embarrassments in which our affairs were by this means involved, would have long ago produced the dissolution of any army less patient, less virtuous, and less persevering than that which I have had the honor to command. But while I mention those things which are notorious facts, as the defects of our Federal Constitution, particularly in the prosecution of a war, I beg it may be understood, that as I have ever taken a pleasure in gratefully acknowledging the assistance and support I have derived from every class of citizens; so shall I always be happy to do justice to the unparalleled exertions of the individual States, on many interesting occasions.

I have thus freely disclosed what I wished to make known before I surrendered up my public trust to those who committed it to me; the task is now accomplished. I now bid adieu to your Excellency, as the Chief Magistrate of your State; at the same time I bid a last farewell to the cares of office, and all the employments of public life.

It remains, then, to be my final and only request, that your Excellency will communicate these sentiments to your legislature, at their next meeting, and that they may be considered as the legacy of one who has ardently wished, on all occasions, to be useful to his country, and who, even in the shade of retirement, will not fail to implore the divine benediction upon it.

I now make it my earnest prayer that God would have you, and the State over which you preside, in his holy protection; that he would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another; for their fellow-citizens of the United States at large; and particularly for their brethren who have served in the field; and, finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of the mind, which were the characteristics of the Divine Author of our blessed religion; without an humble imitation of whose example, in these things, we can never hope to be a happy nation.

I have the honor to be, with much esteem and respect, Sir, your Excellency's most obedient and most humble servant,

GEO. WASHINGTON.

V. THE RESIGNATION OF WASHINGTON'S COMMISSION.

Mr. President:—The great events on which my resignation depended, having at length taken place, I now have the honor of offering my sincere congratulations to Congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country.

Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States, of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in my abilities, to accomplish so arduous a task, which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven.

The successful termination of the war has verified the most sanguine expectations: my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increase with every review of the momentous contest.

While I respect my obligations to the army in general, I should do injustice to my own feelings, not to acknowledge in this place, the peculiar services and distinguished merits of the persons who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, Sir, to recommend, in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

I consider it as an indispensable duty, to close this last solemn act of my official life, by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them, to His holy keeping.

Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life.

To this Address, the President of Congress answered as follows:—

Sir:—The United States, in Congress assembled, receive, with emotions too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and a doubtful war. Called upon by your country, to defend its invaded rights, you accepted the sacred charge, before it had formed alliances, and whilst it was without funds, or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power, through all disasters and changes. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, until these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in safety, freedom, and independency; on which happy event, we sincerely join you in congratulations.

Having defended the standard of liberty in this new world; having taught a lesson useful to those who inflict, and to those who feel oppression, you retire from the great theatre of action, with the blessings of your fellow-citizens; but the glory of your virtues will not terminate with your mil-

itary command: it will continue to animate remotest ages.

We feel, with you, our obligations to the army in general, and will particularly charge ourselves with the interest of those confidential officers, who have attended your person to this affecting moment.

We join you in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens, to improve the opportunity afforded them, of becoming a happy and respectable nation; and for you, we address to Him our earnest prayers, that a life so beloved, may be fostered with all his care; that your days may be happy, as they have been illustrious, and that He will finally give you that reward which this world cannot give

Book Fourth.

FROM

THE TREATY OF PEACE

TO THE

END OF ADAMS'S ADMINISTRATION.

1783—1801.

HISTORY

OF THE

UNITED STATES OF AMERICA.

CHAPTER I.

1783–1786.

THE THREE YEARS AFTER THE WAR.

Sad condition of the Union when peace came — Inefficiency of the Articles of Confederation — State jealousies — Revenue system of 1783 — Congress ask for additional powers — Some good results of the plan — Powers refused — New York strongly opposed — Requisitions of Congress utterly ineffectual — The subject of foreign commercial relations — Treaties desired with other nations — Mr. Pitt's bill — Favorable to the Americans — Not adopted by Parliament — Congress ask for power on the subject of commerce — Not granted — Disputes with England as to infractions of the treaty of peace — Difficulties of the question — John Adams sent as minister plenipotentiary to England — Jefferson sent to France — Reception of John Adams — Course pursued by the British court — Adams's efforts to settle the questions at issue ineffectual — Mr. Jay's report on the papers submitted to him — Adams returns home — Difficulties with Spain — Mr. Jay's negotiations with the Spanish minister — Excitement in the West in regard to the navigation of the Mississippi — Washington's deep interest in public affairs — Extracts from his letters — Discordant state legislation — Cession of the western lands to the United States — The Ordinance of 1787 for the Government of the North Western Territory — Abstract of its provisions — Its importance in American history — Marshall's account of the two parties in the States — Measures taken in Virginia respecting trade — Meeting of commissioners at Annapolis, in September, 1786 — Their important recommendation. APPENDIX TO CHAPTER I. The Ordinance of 1787 for the Government of the North Western Territory.

THE long and arduous struggle for liberty and independence was, at last, ended. Despite the stern and bitter trials, the indescribable hardships, the agonizing toils of the contest, it had been maintained, until victory had crowned the arms of our patriot sires. Washington had retired to private life; the army had been disbanded; and the United States were now acknowledged to be free and independent. Freed from all foreign domination, with a vast territory in possession, with a prospect of advancement in wealth, in population, in national greatness, beyond the power of imagination rightly to conceive, the world was all before them, where, and how

1783.

to choose, and their future career of good or evil, was yet to be worked out.

Yet, how sad was the actual condition of these states, who had won independence at the point of the sword! Their present resources were dried up; their means were exhausted in a long and destructive war; their trade and commerce were destroyed; their mechanics were ruined; their agriculture was withered; and the relations of man to man, hardly at all defined by any laws, were not recognized and acted upon, on the principles of justice and equity. A mountain of debt was pressing upon them; and, worse than all, they were on the very brink of anarchy and political destruction. It was not enough, that they had fought and won the battle for independence and the rights of man; it was not enough, that they had established their claims to a free and equal position in the family of nations; it was not enough, that they had wrought their work well thus far. There was a still greater work yet to be done. There was a severer contest yet to be gone through. There was a crisis yet to be met, whose importance was second to none in the history of America.

Washington and his patriot compeers, were anxiously looking forward, earnestly endeavoring to penetrate beyond the veil which concealed the unknown future. Many a dark foreboding filled their minds. They beheld, with the deepest concern, the unhappy state of public affairs. Congress was totally inefficient. There was, in fact, no government. The separate, independent, state sovereignties, however efficient within their respective boundaries, were utterly incapable of furnishing or maintaining a government for the whole. The country had no nationality. Petty jealousies and disputings prevailed. The smaller states looked suspiciously upon the larger; and these, in their turn, were not indisposed to use the advantages of their position for state aggrandizement, and state power. The wise and weighty words of the father of his country, in that last noble Address to the States, before he resigned his commission, (pp. 175–80) were unheeded; and it became ere long a question of prime magnitude and importance, whether there was to be any country at all; whether the people of the United States were to be one people, or many; whether there was to be union, efficiency, energy at home, and respect and confidence abroad; and whether there was to be a national government, a national character, and a national integrity and honor. 1784.

The Articles of Confederation, under which the war had been prosecuted in the latter years of the Revolution, though professing to be articles of perpetual union, were possessed of no power to effect and maintain union. Congress had exclusive power for a number of purposes, but had no ability to execute any of them. They were empowered to make and conclude treaties; but they could only recommend the observance of them. They could appoint ambassadors; but they could not defray their expenses. They

could borrow money in their own name, on the faith of the Union; but they could not pay a dollar. They could coin money; but they could not import an ounce of bullion. They could make war, and determine upon the number of troops necessary; but they could not raise a single soldier. In fact, they could declare every thing, but could do nothing. Mr. Justice Story, in his admirable "Commentaries on the Constitution of the United States," points out with great clearness and fulness of detail, the inherent defects of the Confederation, in all those particulars which had reference to its answering the design and necessities of a national government. Mr. Curtis, likewise, in his able "History of the Constitution," lucidly sets forth both the advantages and the defects of the Confederation. It had undoubtedly accomplished something. It had given an impulse, at least, towards nationality, and it had rendered good service, in obtaining a cession of the public lands, and carrying the war forward to its conclusion. But it had no authority to compel obedience. It had been miserably ineffective, in obtaining the means for feeding, clothing, and paying, its troops. It had been compelled to resort to temporary expedients, entirely at variance with order, economy, energy, and strict adherence to public faith and honor. It found itself, at the close of the war, without command of means, to meet its obligations to that noble band of men, who had fought, and bled, and suffered unutterable miseries, in their country's behalf; without means to pay its citizens and foreigners, who had generously loaned their money; and without means to compensate any of those who had contributed property and personal service to the common cause. Its last hope of being able to do justice, hung upon the possibility of being able to obtain the assent of thirteen distinct legislative bodies, the dissent of either one of which would defeat any measure of Congress, and subject it to the disgrace and the pernicious effects of broken faith and national bankruptcy.

1783.

At this day, it is probably impossible for us to realize the strange fact, that with all these, and many similar defects staring men in the face, they should have been so wedded to the notion of state sovereignty, and state efficiency, as to be reluctant, to the last degree, to attempt any thing in the way of adequate remedies for the evils which threatened our national existence. For years, efforts were made by the wisest and best men in the country, to procure an indispensably necessary enlargement of the powers of the Continental Congress; but state jealousies predominated, state interests clashed, and every effort failed. The Confederation, without resources, and without powers, was fast expiring of its own debility. It lost, not only its vigor, but the respect which it once claimed. It was in the last stages of its decline; and now the only question remained, whether it should dissolve, and even the semblance of a government be lost, or whether there should not be a brave effort made by the patriots and states-

1785.

men of the day, to form a more efficient government, before the great interests of the United States were buried beneath its ruins.

Congress had early declared, that it was "indispensably necessary," that they should possess power to levy duties, and provide for the public expenses, by direct taxation. Under the Articles of Confederation, they had no such power; they could only issue *requisitions* on the states, which were complied with, or disregarded, or rejected, according to the sovereign will and pleasure of the states. Congress had issued bills of credit, as long as they had any credit, and so, too, had the states. Congress had borrowed money abroad, when they could not raise a dollar at home; and when the states refused, or neglected to furnish the means, they were compelled to resort to new loans, to pay the interest upon those which had preceded. In April, 1783, Congress, after much debate, recommended to the states, as being "indispensably necessary, to the restoration of public credit, and to the punctual discharge of the public debts,"

1783. to vest Congress with power to levy certain specified duties on spirits, wines, teas, pepper, sugar, molasses, cocoa, and coffee, and a duty of five per cent. *ad valorem*, on all other imported goods. These duties were to be applied solely to the payment of the interest and principal of the public debt, and for that purpose, to continue twenty-five years; the collectors to be chosen by the states, but removable by Congress. The states were also required to establish, for the same period of time, and for the same object, substantial and effectual revenues of such nature, as they should judge convenient, for supplying their proportion of $1,500,000 annually, exclusive of duties on imports; the proportion of each state to be fixed, according to the Articles of Confederation.*

The necessary expenses of supporting the government had never yet been apportioned among the states, according to the rule prescribed by the Confederation. A satisfactory valuation of houses and lands had not yet been completed; and the difficulties in making such a valuation, seemed nearly insuperable. The proportions had been generally regulated by the supposed number of inhabitants. Congress now proposed to the consideration of the states, an alteration in the articles, providing, that the proportion should be governed by the number of white and other free citizens, including those bound to servitude for a term of years, and three-fifths of all other persons. To enforce the necessity of adopting and carrying into effect, this system of finance, Congress presented an address to the states. This was prepared by a committee, consisting of Mr. Ellsworth, Mr. Madison, and Mr. Hamilton. This latter eminent statesman entered Congress in 1782, and the influence ex-

* This sum of $1,500,000 was apportioned among the states, as follows:—New Hampshire, $52,708; Massachusetts, $224,427; Rhode Island, $32,318; Connecticut, $132,091; New York, $128,242; New Jersey, $83,358; Pennsylvania, $205,189; Delaware, $22,448; Maryland, $141,517; Virginia, $256,487; North Carolina, $109,006; South Carolina, $96,183; Georgia, $16,030.

erted by him, was of the most important kind. He was much in advance of most of his compeers, and his sagacity and largeness of view, fitted him admirably for the distinguished part which he was called upon to perform in the councils of his country.

The design of the revenue system of 1783, was to see that justice was done to the creditors of the United States, and to strengthen and consolidate the government by the efforts which would be necessary to carry out national measures of so great moment. It was a wise and judicious movement, undoubtedly; for it had a most salutary effect in familiarizing the public mind with the important idea of the creditors looking to the general government for the payment of their dues, and not to the separate states; and it prevented the almost certain result that would have followed any attempt to rely upon the states, viz., of partial payment, of bankruptcy, or of entire repudiation. The scheme, it is true, was never adopted; yet, as Mr. Curtis points out, the influence of this revenue system was very great in saving the Union, at the time, from speedy dissolution, and in directing the attention of the states, to the necessity of giving to it additional powers with respect to commerce and kindred national objects. The arrangement which was completed, with regard to the pay due to the army, we have spoken of on a previous page, (p. 160) this, together with the proposal of the present plan of obtaining revenue for the general government, were, during the four years that followed, serviceable, to a high degree, in making evident the necessities which existed, and in directing the thoughts of men, to the mode best adapted to the meeting these necessities, and the preserving our country from intestine discord and ruin.

1783.

That part of the financial plan, which required from the states a pledge of internal revenues for twenty-five years, met, as was but natural, with the greatest opposition. Congress, satisfied, at length, that a general compliance with this part of the system was not to be expected, confined their requests to that relating to duties on imports. Under the influence of the urgent and solemn representations made by Congress, of the deplorable condition of the United States, in regard to its ability to maintain public faith at home and abroad, all the states, before or during the year 1786, complied with this part of the system, New York being the sole exception.*

* In February, 1786, in a report, drawn up by Rufus King, in behalf of the committee of the public revenue, it is stated: "the requisitions of Congress for eight years past, have been so irregular in their operations, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future, as a source whence moneys are to be drawn to discharge the engagements of the Confederacy, definite as they are in time and amount, would be not less dishonorable to the understandings of those who entertain such confidence, than it would be dangerous to the welfare and peace of the Union. The Committee are therefore seriously impressed with the indispensable obligation, that Congress are under, of representing to the immediate and impartial consideration of the several states, the utter impossibility of maintaining and preserving the faith of the federal government, by temporary requisitions on the states, and the consequent necessity of an early and complete accession of all the states to the revenue system of the 18th of April, 1783."

The operation of the acts, passed by some of the states, however, depended on similar acts from the others. The state of New York, instead of vesting Congress with the power of levying the duties, reserved this right to itself, agreeably to a law passed in 1784; and also refused to make the collectors amenable to, and removable by Congress.

We may mention here, that, as the assent of New York only was wanting to this part of the plan, Congress earnestly requested Governor Clinton to convene the legislature, for the purpose of making their law conformable to those of other states. The executive of that state, however, declined complying with the request, alleging, that, by the constitution of New York, he could only convene the legislature on *extraordinary occasions;* and as the subject had recently been before that body, and received their determination, such an occasion did not exist. To a second, and more earnest application, in August, 1786, he made the same reply.

1786.

While this system of revenue was under the consideration of the states, Congress could do nothing more than make requisitions, and these were not complied with. The requisitions for the payment of the interest of the domestic debt, from 1782 to 1786, amounted to more than $6,000,000; yet, of this sum, up to March 31st, 1787, according to the report of the Board of Treasury, about one million only was paid. The interest of the domestic debt, therefore, was unpaid; and the money borrowed in Europe, was applied to the payment of interest on foreign loans. In this position of affairs, the domestic debt was deemed of so little value, as to be frequently sold for about one-tenth of its nominal amount.

The subject of commercial intercourse with foreign nations, engaged the attention of Congress at an early day after the ratification of the definitive treaty of peace. Beside the smaller states of Europe, it was declared to be important, to establish treaties with Spain, Prussia, Russia, etc., and several provisions were determined upon, calculated to lessen the distresses and calamities of war, with respect to fishermen, agriculturists, mechanics, and the like, who were not to be molested by either of the contending parties.

In the treaty between the United States and Prussia, concluded in the year 1785, these principles were carried into operation; and similar privileges and exemptions were extended to all women and children, and to scholars.* The duration of all the treaties was to be limited to ten years, except in par-

* This treaty is the more remarkable, as coming from the quarter whence it did, and containing the provisions which were in it. Dr. Franklin was greatly pleased with the treaty; Washington, also, writing, in 1786, to the Count de Rochambeau, commended it highly: "The treaty of amity, which has lately taken place between the king of Prussia and the United States, marks a new era in negotiation. It is the most liberal treaty which has ever been entered into between independent powers. It is perfectly original in many of its articles; and, should its principles be considered hereafter, as the basis of connection between nations, it will operate more fully to produce a general pacification, than any measure hitherto attempted among mankind."

ticular cases, but in no case, to exceed fifteen. This was a very wise provision for a new and growing country. The American ministers were, also, particularly instructed in any negotiations with Spain, not to relinquish, or cede, in any event whatever, the right of freely navigating the River Mississippi, from its source to the Ocean. John Adams, Dr. Franklin, and Mr. Jefferson, were authorized to make and receive propositions for such treaties, for the term of two years. Their efforts, however, were almost entirely fruitless in results.

1785.

The American commissioners at Paris, in 1783, were unable to agree with the British negotiator, in any commercial arrangement between their respective countries. Each nation was, therefore, left to make its own regulations. In March, 1783, William Pitt, then chancellor of the exchequer, brought into the House of Commons, a bill for the temporary regulation of commerce between Great Britain and the United States, founded upon very liberal principles. This bill, after stating the new situation in which the people of the United States were placed, declared: "And, whereas, it is highly expedient, that the intercourse between Great Britain and the said United States, should be established on the most enlarged principles of reciprocal benefit to both countries, but from the distance between Great Britain and America, it must be a considerable time before any convention or treaty for establishing and regulating the trade and intercourse between Great Britain and the said United States of America, upon a permanent foundation, can be concluded:—

1783.

"Now for the purpose of making a temporary regulation of the commerce and intercourse between Great Britain and the said United States of America, and in order to evince the disposition of Great Britain, to be on terms of the most perfect amity with the said United States of America, and in confidence of a like friendly disposition on the part of the United States towards Great Britain, be it further enacted, that from and after the . . . . . the ships and vessels of the subjects and citizens of the said United States of America, with the merchandize and goods on board the same, shall be admitted into all the ports of Great Britain, in the same manner as the ships and vessels of the subjects of other independent sovereign states; but the merchandize and goods on board such ships or vessels of the subjects or citizens of the said United States, being of the growth, produce, or manufacture of the said United States, shall be liable to the same duties and charges only, as the same merchandizes and goods would be subject to, if they were the property of British subjects, and imported in British built ships or vessels, navigated by British natural born subjects."

This bill, also, placed the intercourse between the United States and the British American colonies, on a footing equally liberal.

"And be it further enacted, that during the time aforesaid, the ships and vessels of the subjects and citizens

of the said United States shall be admitted into the ports of his majesty's islands, colonies and plantations in America, with any merchandises or goods, of the growth, produce, or manufactures of the territories of the aforesaid United States, with liberty to export from his said majesty's islands in America, to the said territories of the said United States, any merchandises or goods whatsoever; and such merchandises or goods, which shall be so imported into, or exported from, the said British islands, colonies, or plantations in America, shall be liable to the same duties and charges only, as the same merchandises and goods would be subject to, if they were the property of British natural born subjects, and imported, or exported, in British built ships, or vessels, navigated by British seamen.

"And be it further enacted, that during all the time herein before limited, there shall be the same drawbacks, exemptions, and bounties on merchandises and goods exported from Great Britain into the territories of the said United States of America, as are allowed in the case of exportation to the islands, plantations, or colonies, now remaining, or belonging to the crown of Great Britain, in America."*

It is much to be regretted, that this bill was not adopted; for had it been so, it would have laid the foundation of peace and harmony, from the beginning, between the two countries, and would have prevented very serious disputes and differences, to say nothing of wounded feelings and suspicions which subsequently occurred in connection with this subject. The bill of Mr. Pitt was violently opposed by the navigating interest, under the mistaken notion, that it was an encouragement to the American marine interest, at the expense of that of England; and the power of regulating commercial intercourse between the United States and Great Britain and her dependencies, was committed to the king and council.* 1783.

Orders in council were issued in July, 1783, in accordance with the provisions of the act of Parliament. American vessels were thereby entirely excluded from the British West Indies; and certain articles, such as fish, beef, pork, etc., were not allowed to be carried there, even in British bottoms. This prohibition, we may state in this connection, was continued by temporary acts, until 1788, when it was permanently established by act of Parliament.

* See Pitkin's "*Civil and Political History of the United States*," vol. ii., pp. 185–88.

* The Observations of Lord Sheffield, on the commerce of the American states, are quoted at large by Pitkin, and are well worthy of being examined, as illustrative of the policy of British statesmen, and their conviction, that the union of the states would never result in any thing like a firm, vigorous government, calculated to be respected abroad, and effective at home. Predicting anarchy and confusion, as likely to prevail, and thinking, with the sagacity of men of his day and stamp, that in case of a renewal of hostilities, a few stout frigates, cruising on the coast, would be all-sufficient to command the commerce of the continent, his lordship declares, that "at present, the only part Britain should take, is most simple, and perfectly sure. If the American states choose to send consuls, receive them, and send a consul to each state. Each state will soon enter into all necessary regulations with the consul, and this is the whole that is necessary."

It was evident, from these and other regulations, and from the fact, that obstacles were thrown in the way of the commerce of the United States, in numerous other quarters, that Congress ought to possess the necessary power to establish navigation acts, or acts countervailing the commercial regulations of foreign nations. On the 30th of April, 1784, therefore, they recommended to the states, to vest the general government, for the term of fifteen years, with power to prohibit any goods being imported into, or exported from, the United States, in vessels belonging to, or navigated by, the subjects of any power, with whom the United States had not formed commercial treaties; and also, with the power of prohibiting, for the same term, the subjects of any foreign nation, unless authorized by treaty, from importing into the United States any goods or merchandise, not the produce or manufacture of the dominions of the sovereign, whose subjects they were. Though Congress declared to the states, that, unless vested with powers competent to the protection of commerce, they could never command reciprocal advantages, and that the trade of the United States must go into the hands of foreigners; yet, obvious as these truths were, the strange suspicions and jealousies prevailing in the states, prevented the grant of the powers asked for, on the part of the general government. Some of the states themselves passed laws countervailing the regulations respecting the West India trade, by imposing higher tonnage duties, on *British vessels*, than on their own or those of other nations, as well as higher duties on goods imported in British bottoms. Massachusetts, indeed, prohibited the transportation of any goods, wares, or merchandise, the growth or produce of the United States, *in British ships*. But as these acts were neither uniform nor permanent, little benefit was derived, or could be expected from them; and the Massachusetts act was soon repealed.

1784.

Commercial and revenue difficulties were not the only ones that harassed and annoyed the national government. Scarcely had the war of the Revolution been brought to its close, when the United States and Great Britain reciprocally charged each other with violations of the treaty of peace. A serious difference of opinion prevailed, on the construction of that part of the seventh article, which stipulates against the "destruction, or carrying away of any negroes, or other property of the American inhabitants." In addition to this circumstance, the troops of his Britannic majesty still retained possession of the posts on the American side of the great lakes. This gave them a decided influence over the warlike tribes of Indians in their neighborhood, and was a point on which the United States were peculiarly sensitive.

On the other hand, the United States were charged with infringing the fourth, fifth, and sixth articles, which contain agreements respecting the payment of debts, the confiscation of property, and prosecution of individuals, for the part taken by them during the war. Congress, in January, 1784, passed a reso-

lution, and transmitted it directly to the states, on the subject of confiscated property. This was recommendatory; but the collection of debts was expressly stipulated in the treaty; and a neglect, or hindrance in this particular, caused much complaint, and produced no little irritation on both sides.

At the commencement of the war, £3,000,000 sterling were due from the inhabitants of the colonies to British merchants. When peace came, it was found that the laws of five states, either prohibited the recovery of the principal, or suspended its collection, or prohibited the recovery of interest, or made land a good payment in place of money. These state laws necessarily produced great trouble, for Congress having no means to enforce the obligations of the treaty of peace, could only recommend a repeal of all such laws as interfered with the provisions of the treaty. This treaty, as Mr. Curtis well remarks, "could not execute itself. It was made, on the one side, by a power capable of performing, but also capable of waiting for the performance of the obligations which rested upon the other contracting party. On the other side, it was made by a power possessed of very imperfect means of performance, yet standing in constant need of the benefit which a full compliance with its obligations would insure. After the lapse of three years from the signature of the preliminary articles, and of more than two years from that of the definitive treaty, the military posts in the western country, were still held by British garrisons, avowedly on account of the infractions of the treaty on our part."*

In consequence of these perplexing dissensions and disputes, which seemed to be increasing in acerbity and difficulty of settlement, Congress, early in 1785, determined to send a minister-plenipotentiary to Great Britain. John Adams, who was at the time in France, was appointed, in February, and in May, arrived in London, to enter upon his duties. His instructions were: "You are in a respectful, but firm manner, to insist, that the United States be put, without further delay, into possession of all the posts and territories within their limits, which are now held by British garrisons; and you will take the earliest opportunity of transmitting the answer you may receive to this requisition. 1785.

"You will remonstrate against the infraction of the treaty of peace, by the exportation of negroes and other American property, contrary to the stipulations on that subject, in the seventh article of it. Upon this head, you will be supplied with various authentic papers and documents, particularly the correspondence between General Washington and others on the one part, and Sir Guy Carleton, on the other.

"You will represent to the British ministry, the strong and necessary tendency of their restrictions on our trade, to incapacitate our merchants, in a certain degree, to make remittances to them.

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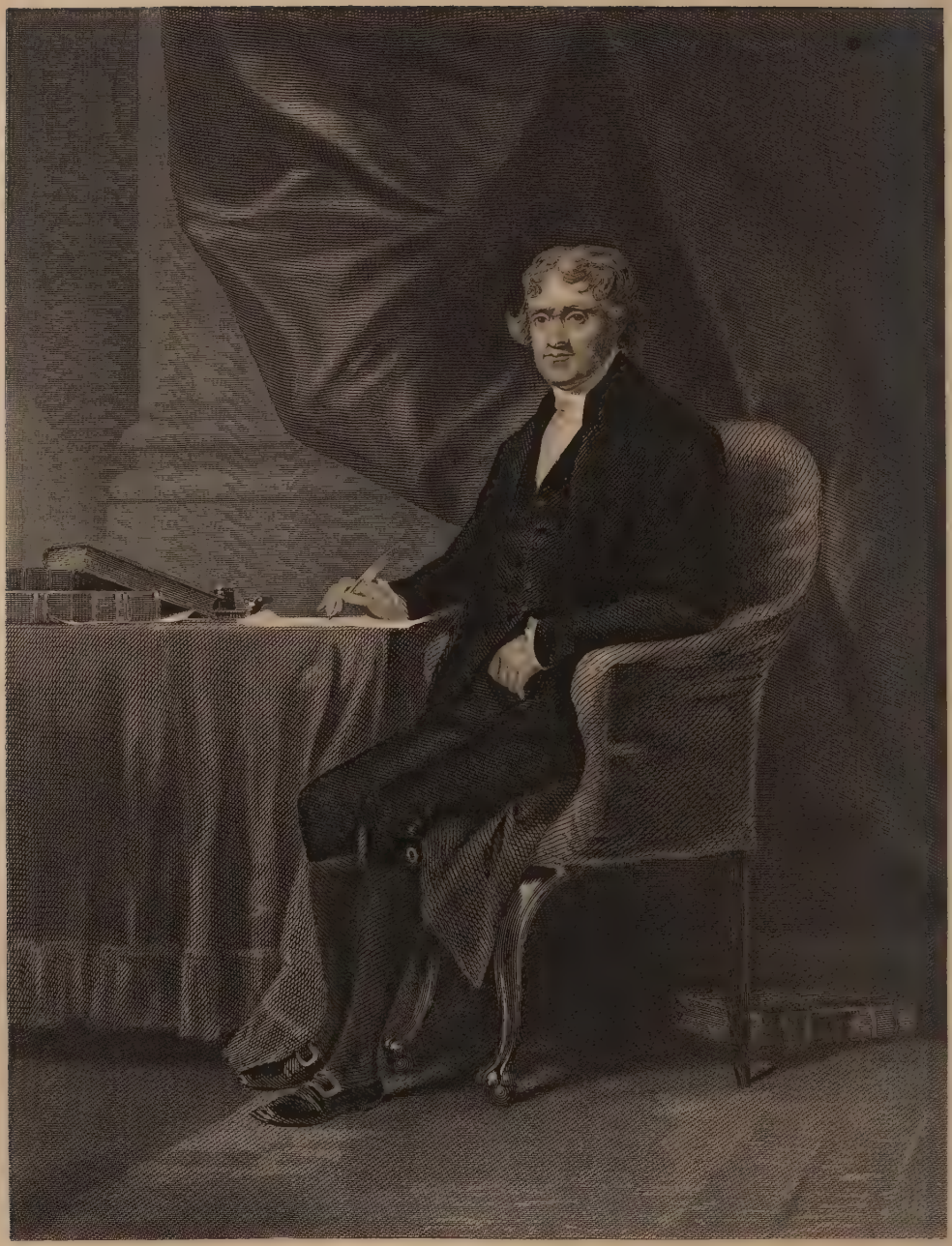
* Curtis's "*History of the Constitution*," vol., i., pp. 253–56.



Th. Jefferson

"You will represent in strong terms, the losses which many of our, and also of their merchants, will sustain, if the former be unreasonably and immoderately pressed for the payment of debts contracted before the war. On this subject, you will be furnished with papers, in which it is amply discussed."

Mr. Jefferson was soon after appointed to represent the United States, at the court of Versailles, in the room of Dr. Franklin, who had leave to return home, after an absence of nine years. Mr. Livingston having resigned the office of secretary for foreign affairs, Mr. Jay, in March, 1784, and before his return from Europe, was appointed in his place.

The appearance of Mr. Adams, as the first minister of an independent nation, but recently in subjection to England, must have been as full of interest as it was of novelty. The account of his reception, written by himself, is worthy of perusal.* The American minister was received with all the usual forms of courtesy, although it is, at the same time, well known, how reluctantly George III. gave way to a necessity, which even his stubborn will could no longer resist. It is difficult to estimate the evil effect which was produced by the coolness, indifference, and contemptuous neglect, with which the youthful republic was treated. Equally ignorant and unwise, in respect to the position and prospects of America, the statesmen of England preferred to act with a sort of insulting haughtiness, rather than to pursue the more noble course, of binding the new republic to them by the chains of cordial good will and generous kindness. "Throughout the whole political history of Great Britain," as the grandson of John Adams forcibly remarks, "this marked fault may be traced in its relations with foreign nations, but it never showed itself in more striking colors, than during the first half century after the independence of the United States. The effects of the mistake then committed, have been perceptible ever since. Mr. Jefferson, who soon joined Mr. Adams in London, for the purpose of carrying out, in the case of the British government, the powers vested in the commission to negotiate commercial treaties, has left his testimony of the treatment he met with at court. The king turned his back upon the American commissioners, a hint which, of course, was not lost upon the circle of his subjects in attendance. Who can measure the extent of the influence which even so trifling an insult, at this moment, may have had, in modifying the later opinions of the two men, who were subjected to it? And, in view of their subsequent career in the United States, who can fail to see how much those opinions have done, to give to America the impressions respecting Great Britain that have prevailed down to this day? Often has it happened, that the caprices of men in the highest stations, have produced more serious effects upon the welfare of millions than the most elaborate policy of the wisest statesmen."

* See "*Life and Works of John Adams*," vol. i., pp. 418–20; vol. vii., pp. 465, etc.

In December, 1785, Mr. Adams presented a memorial to the British secretary of state, in which, after stating the detention of the western posts, contrary to the stipulations in the treaty of peace, he, in the name, and in behalf, of the United States, required,

1785. "that all his majesty's armies and garrisons be forthwith withdrawn from the said United States, from all and every of the posts and fortresses before enumerated, and from every port, place and harbor, within the territory of the said United States, according to the true intention of the treaties."

To this memorial the British secretary, Lord Carmarthen, returned an answer, on the 28th of February, 1786, in which he acknowledges the detention of the posts, but alleges a breach of the fourth article of the treaty of peace, on the part of the United States, by interposing impediments to the recovery of British debts in America. "The little attention," says the secretary, "to the fulfilling this engagement on the part of the subjects of the United States in general, and the direct breach of it in many particular instances, have already reduced many of the king's subjects to the utmost degree of difficulty and distress; nor have their applications for redress, to those whose situation in America naturally pointed them out as the guardians of public faith, been as yet successful in attaining them that justice, to which, on every principle of law, as well as hu-

1786. manity, they were clearly and indisputably entitled." His lordship concluded with the assurance, "that whenever America shall manifest a real determination to fulfil her part of the treaty, Great Britain will not hesitate to prove her sincerity to co-operate in whatever points depend upon her, for carrying every article of it into real and complete effect." Accompanying this answer, was a statement of various particulars, in which several of the articles of the treaty had not been adhered to by the states.

Copies of these documents were immediately transmitted to Congress, by whom they were referred to Mr. Jay, the secretary for foreign affairs. That able and upright minister could not but acknowledge, that the treaty had been violated by the United States in several particulars, and Congress was compelled to feel again its entire inability to insist upon the exact observance of the treaty, on the part of Great Britain, seeing that they themselves were powerless, to enforce its provisions by the United States. "What a misfortune it is," said Washington, writing to John Jay, "that the British should have so well grounded a pretext for their palpable infractions, and what a disgraceful part, out of the choice of difficulties before us, are we to act!"

Congress passed resolves, that any, and every state law, which conflicted with the treaty, ought to be repealed; and, in a circular letter to the states, said, "We have deliberately and dispassionately examined and considered the several facts and matters urged by Great Britain, as infractions of the treaty of peace, on the part of America, and we regret, that, in some of the

states, too little attention has been paid to the public faith pledged by the treaty." Most of the states adopted the recommendation of Congress, to repeal laws or acts conflicting with the obligations of the United States, in respect to the treaty of peace. The operation of the act passed in Virginia, however, which repealed all acts preventing the recovery of debts due to British subjects, was suspended, until the governor of that state should issue a proclamation, giving notice, that Great Britain had delivered up the western posts; and was also taking measures, for the further fulfilment of the treaty of peace, by delivering up the negroes belonging to the citizens of that state, carried away, contrary to the seventh article of the treaty, or by making compensation for the same.

The question thus remained unsettled; the matters in dispute were still open; and the British, continuing to hold the western posts, inflamed the hostile temper of the Indian tribes, irritated, and vexed the Americans, and hindered materially the filling up of the vacant fertile regions in the vicinity of the Great Lakes.*

Mr. Adams, finding it impossible to effect a commercial treaty with Great Britain, on any thing like favorable terms, and the British court declining to send a minister to the United States, asked, and obtained leave to return home, in 1787. Congress, at the same time, passed a resolution, expressing their high sense of the services which Mr. Adams had rendered to the United States, in the execution of the various and important trusts, from time to time committed to him, and presenting their thanks to him for the patriotism, perseverance, integrity, and diligence with which he had ably and faithfully served his country.

In addition to these difficulties with Great Britain, serious differences were found to exist between the United States and Spain. This latter power signified to Congress, in November, 1784, that, until the limits of Louisiana and the two Floridas should be settled and determined, Spain would, on no conditions, allow the free navigation of the Mississippi. **1784.** In order to adjust the questions in dispute, Congress resolved to send Mr. Jay, secretary of foreign affairs, to Spain; but Don Diego Guardoqui, having arrived in the summer of 1785, in the United States, as minister from Spain, the negotiations were carried on at home.

Mr. Jay was specially instructed, to insist upon the right of the United States to their territorial bounds, and the free navigation of the Mississippi, from its source to the ocean, as established in their treaty with Great Britain. **1785.** A long negotiation ensued. M. Guardoqui was resolute on the point of not conceding the free navigation of the great river of the west; but offered very favorable terms for a commercial treaty with

* We may mention here, that in November, 1785, a treaty was concluded with the Cherokees, by which they acknowledged themselves to be under the protection of the United States, and renounced all other sovereignty. The same commissioners concluded a similar treaty with the Choctaws, early in January, 1786.

Spain.* Congress was much divided on the subject before them. There were many and strong reasons in favor of entering into such an arrangement, as would open the ports of Spain to the American shipping; and it was felt, that if Spain persisted in the stand she had taken in regard to the Mississippi, there was no alternative of settlement, but yielding it up, or going to war. Washington, and other patriots, not esteeming this point as of prime importance at that date, were disposed to waive the right which they claimed, for twenty-five or thirty years, and conclude a commercial treaty at once. It was thought, that, as the right was not given up, the question might be reopened on favorable terms, on the expiration of the time to be named in the treaty. Accordingly, Mr. Jay's instructions, not to yield on this point, having been rescinded by a vote of seven states against five, an agreement was entered into with the Spanish minister, suspending the use of the Mississippi, without relinquishing the right asserted by the United States.

1786.

Meanwhile, the valley of the West, that vast region, out of which new and powerful states were to be formed,† was filling up with great rapidity, and the people of that fertile region were roused and alarmed, by an apprehension, that their interests were about to be sacrificed to the commercial policy of the Atlantic states. In June, 1786, a seizure was made by the Spanish authorities, of certain American property, on its way down the river, for shipment, or sale, at New Orleans. The news of this procedure, fired the impetuous spirits of the West, and they were little disposed to allow themselves to be put in a state of vassalage to the Spaniard. Rather than this, they would march, to a man, and drive the intruders into the sea; and, if the East did not choose to sanction their course, and join them in it, they were ready and able to act for themselves, and, if need be, to form an independent confederacy of their own. Acts of retaliation and outrage naturally followed; and strong and urgent protests were made, from different quarters, against the course intended to be pursued by Congress. The delegates from North Carolina, introduced a resolution, asserting the clear, absolute, and inalienable claim of the United States, to the free navigation of the Mississippi. Mr. Jay, to whom this resolution was referred, reported, that the negotiations between him and the Spanish minister, did not authorize any statement, such as seemed to have troubled the people of the West, and that the members of Congress be permitted to contradict it positively. He further advised, that, as the new gov ernment was, not long after, to go into operation, all the negotiations on this subject, be transferred to it. Congress acted in accordance with this report, and, in September, 1788, passed a re-

* Consult Pitkin's "*Political and Civil History of the United States*," vol. ii., p. 202, etc.

† For an abstract of the arrangement adopted by Congress, in 1784, for the temporary government of the large territory which had come under their charge by the cession, on the part of the states, of the western lands, see Holmes's "*Annals*," vol. ii., pp. 354–56.

solve, "that the free navigation of the River Mississippi, is a clear and essential right of the United States, and that the same ought to be considered and supported as such."

Washington, who had retired to his farm, and was busily occupied in agricultural pursuits, in attending to the frequent visits of friendship, and of ceremony, made to him, and in keeping up an extensive and important correspondence, was by no means uninterested in the position of public affairs. His letters show, how deep an interest he took in the unhappy condition of the country, and how earnestly he entered into a consideration of what seemed to be the best way in which peace and prosperity could be attained and secured. In the autumn of 1784, he made a tour in the western country, and strongly urged upon the legislature of Virginia, the importance of internal navigation and intercourse with the western states. Towards the close of the same year, Lafayette paid him a visit of love and esteem. When they parted, it was with mutually expressed hope, that they might meet again, and enjoy the pleasure of social and fraternal intercourse; but this privilege was never allotted to them. Lafayette returned to his native land, to take part in public life, and to endure his share in suffering; and it was not till long after Washington's death, that Lafayette was enabled to revisit the United States, and pour forth his tears upon the grave of his beloved father and friend.

Several efforts were made in Pennsylvania and Virginia, to induce Washington to depart from his determination, not to receive any pecuniary remuneration for his many years of long and arduous public service; but he firmly, yet courteously, declined every thing of the kind.*

An extract or two from his letters, at this date, will demonstrate the profound concern which filled his mind, in view of the state of public affairs, and the need of an efficient and speedy remedy in this alarming crisis. "The Confederation," says he, writing to James Warren, of Massachusetts, in October, 1785, "appears to me to be little more than a shadow without the substance, and Congress a nugatory body, their ordinances being little attended to. To me it is a solecism in politics; indeed, it is one of the most extraordinary things in nature, that we should confederate as a nation, and yet be afraid to give the rulers of that nation, who are the creatures of our own making, appointed for a limited and a short duration, and who are amenable for every action, recallable at any moment, and subject to all the evils which they may be instrumental in producing, sufficient powers to order and direct the affairs of the same. By such policy, the

1785.

* Mr. Sparks gives an interesting note on the three principal statues of Washington which were executed by Houdon, Canova, and Chantrey, three of the most eminent artists of modern days. M. Houdon came from France in the same vessel with Dr. Franklin, and in October, 1785, at Mount Vernon, modelled the bust of Washington from which the statue was made which now stands in the capitol, at Richmond. Mr. Sparks is of opinion that this "is undoubtedly the best representation of the original that exists."—"*Life of Washington*," p. 390.

wheels of government are clogged, and our brightest prospects, and that high expectation, which was entertained of us, by a wondering world, are turned into astonishment; and from the high ground on which we stood, we are descending into the vale of confusion and darkness. That we have it in our power to become one of the most respectable nations upon earth, admits, in my humble opinion, of no doubt, if we would but pursue a wise, just, and liberal policy towards one another, and would keep good faith with the rest of the world. That our resources are ample, and increasing, none can deny; but while they are grudgingly applied, or not applied at all, we give a vital stab to public faith, and will sink in the eyes of Europe into contempt."

Writing to John Jay, Washington thus expresses himself: "Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What the event will be, is also beyond the reach of my foresight. We have errors to correct; we have probably had too good an opinion of human nature, in forming our Confederation. Experience has taught us, that men will not adopt and carry into execution, measures the best calculated for their own good, without the intervention of coercive power. I do not conceive we can subsist long as a nation, without lodging somewhere a power which will pervade the whole Union in as energetic a manner, as the authority of the state governments extends over the several states. To be fearful of investing Congress, constituted as that body is, with ample authorities for national purposes, appears to me the very climax of popular absurdity and madness. Could Congress exert them for the detriment of the people, without injuring themselves in an equal or greater proportion? Are not their interests inseparably connected with those of their constituents? By the rotation of appointment, must they not mingle frequently with the mass of citizens? Is it not rather to be apprehended, if they were possessed of the powers before described, that the individual members would be induced to use them on many occasions, very timidly and inefficaciously, for fear of losing their popularity and future election? We must take human nature as we find it; perfection falls not to the share of mortals. Many are of opinion, that Congress have too frequently made use of the suppliant humble tone of requisition, in applications to the states, when they had a right to assert their imperial dignity, and command obedience. Be that as it may, *requisitions* are a perfect nullity, where thirteen sovereign, independent, *dis*-united states, are in the habit of discussing, and refusing, or complying with them, at their option. Requisitions are actually little better than a jest and a by-word throughout the land. If you tell the legislatures, they have violated the treaty of peace, and invaded the prerogatives of the Confederacy, they will laugh in your face. What, then, is to be done? Things cannot go on in the same train forever. It is much to be feared, as you observe, that the

1785.

better kind of people, being disgusted with these circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme into another. To anticipate and prevent disastrous contingencies, would be the part of wisdom and patriotism.

"What astonishing changes are a few years capable of producing! I am told that even respectable characters speak of a monarchical form of government, without horror. From thinking, proceeds speaking; thence to acting, is often but a single step. But how irrevocable and tremendous! What a triumph for our enemies to verify their predictions! What a tri-
1785. umph for the advocates of despotism, to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty, are merely ideal and fallacious! Would to God, that wise measures may be taken in time, to avert the consequences we have but too much reason to apprehend.

"Retired as I am from the world, I frankly acknowledge, I cannot feel myself an unconcerned spectator. Yet having happily assisted in bringing the ship into port, and having been fairly discharged, it is not my business to embark again on a sea of troubles. Nor could it be expected, that my sentiments and opinions would have much weight on the minds of my countrymen. They have been neglected, though given as a last legacy, in the most solemn manner. I had then, perhaps, some claims to public attentions. I consider myself as having none at present."

Added to the failure of the attempts made by the American commissioners at Paris, to negotiate commercial treaties, the legislation of the separate states, between 1783 and 1786, was productive of discord and perplexity. Anxious to protect themselves against the stringent regulations of England, they acted, each one for itself, 1783. without uniformity, or system, and sometimes in open hostility to each other. The position and importance of the public lands, and the actual and precise relations of Congress to this vast domain, were, moreover, subjects of not only deep interest, but calculated also to give rise to considerable contrariety of opinion. In general, the people of the United States, were disposed to look upon the western lands as national property, and as the main source whence they were to obtain means for payment of the national debt. Congress, therefore, in 1783, urged the states, which had not yet attended to its previous requests, to make speedy cession of their territorial claims, "as well for hastening the extinguishment of the public debt, as for establishing the harmony of the United States."

Virginia completed the cession of her claims to the north-western territory, in March, 1784, and Con- 1784. gress, as we have stated above, made provision* for the temporary gov-

* On the 16th of March, 1785, a motion was made by Mr. Rufus King that the following proposition be committed: "That there shall be neither slavery nor involuntary servitude in any of the states described by the resolve of Congress of 23d of April, 1784, otherwise than in punishment of crime, whereof the

ernment of that fertile region, and for the admission into the Union of new states, which might be formed out of it. By the cession of New York, the western bounds of that state were limited by "a line from the north-east corner of the state of Pennsylvania, along the north bounds thereof, to its north-west corner, continued due west, until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent, or inclination of the river, or strait of Niagara; thence, by the said meridian line, to the forty-fifth degree of north latitude, thence by the said forty-fifth degree of north latitude." Massachusetts, by her deed of cession, made in April, 1785, surrendered her right to all lands west of the line, fixed by New York. Connecticut, in September, 1784, ceded all lands in her charter limits, lying one hundred and twenty miles west of the western boundary of Pennsylvania. South Carolina, in August, 1787, granted to the United States, all her right to the country west of the ridge or chain of mountains, which divides the eastern from the western waters.

1785.

In consequence of these cessions, the United States became possessed of all the lands north-west of the Ohio; and the establishment of a government for the inhabitants already settled, as well as those who were hastening thither, became immediately necessary.

On the 13th of July, 1787, Congress established the celebrated Ordinance for the Government of the North Western Territory, which superseded the resolve of 1784. As this Ordinance is the basis of the governments provided by Congress, for the territories of the United States, and as its principles lie at the foundation of the civil polity of a considerable portion of our country, we shall give its provisions somewhat at large.*

1787.

The whole territory was made one district, subject to be divided into two, at the pleasure of Congress. With respect to the mode of governing the settlers in this territory or colony, the Ordinance provided, that, until the number of free male inhabitants, of full age, in the district, should amount to five thousand, the legislative, executive, and judicial power, should be vested in a governor and three judges, who, together with a secretary, were to be appointed by Congress. The governor was to remain in office three years, and the judges during good behavior. The governor, with the judges, were empowered to adopt and publish, such laws of the *original states*, criminal and civil, as might be necessary and best suited to the circumstances of the district, and report them to Congress; such laws to be in force,

party shall have been personally guilty, and that this regulation shall be an article of compact, and remain a fundamental principle of the Constitution between the thirteen original states, and each of the states described in the said resolve of 23d April, 1784." The motion to commit prevailed, by a vote of eight states against three.

* We quote the abstract of this Ordinance from Pitkin, vol. ii., pp. 210–13. Consult also Curtis's "*History of the Constitution*," vol. i., pp. 302–306.

until disapproved by that body. The governor was empowered to divide the district into districts or townships, and to appoint all civil officers. As soon as the free male inhabitants of full age, should amount to five thousand, a general assembly was to be constituted, to consist of the governor, a legislative council, and house of representatives. The representatives to be chosen from the counties or townships, one for every five hundred free male inhabitants, until the number should amount to twenty-five; after that, the number to be regulated by the legislature. A representative must have been a citizen of one of the United States for three years, and be a resident in the district, or have resided three years in the district; in either case, to have the fee-simple of two hundred acres of land in the district. An elector was to reside in the district, have a freehold in fifty acres of land therein, and be a citizen of one of the states, or a like freehold, and two years' residence. The representatives to be chosen for two years.

The legislative council was to consist of five persons, to continue in office five years, unless sooner removed by Congress, chosen in the following manner; the house of representatives to nominate ten persons, each possessed of a freehold, in five hundred acres of land; out of this number, Congress were to appoint five to constitute the council. The general assembly had power to make laws, for the government of the district, not repugnant to the Ordinance. All laws to have the sanction of a majority of both houses, and also the assent of the governor. The legislative assembly were authorized by joint ballot, to elect a delegate, who was to have a seat in Congress, with the right of debating, but not of voting.

It was necessary, also, to establish certain principles, as the basis of the laws, constitutions, and governments, which might be formed in the territory, as well as to provide for its future political connection with the American confederacy. Congress, therefore, at the same time, established certain articles, which were to be considered as articles of *compact*, between the original states and the people in the territory, and which were to remain unalterable, unless by common consent. By these, no person in the territory was ever to be molested, on account of his mode of worship, or religious sentiments; and every person was entitled to the benefits of the writ of habeas corpus, trial by jury, and all those other fundamental rights, usually inserted in American bills of rights. Schools, and the means of education, were forever to be encouraged, and the utmost good faith to be observed towards the Indians; particularly their lands and property were never to be taken from them, without their consent. The territory, and the states that might be formed therein, were forever to remain a part of the American confederacy; but not less than three, nor more than five states, were to be established.

The bounds of these states were fixed, with liberty for Congress to alter them, by forming one or two new states in that part of the territory lying north

of an east and west line drawn through the southern bend, or extreme of Lake Michigan. It was also provided, that whenever, in any of those states, there should be sixty thousand free inhabitants, such state was to be admitted into the Union, on the same footing with the original states in all respects whatever; and be at liberty to form a permanent constitution and state government; such constitution and government, however, was to be republican, and conformable to the principles of the Articles. If consistent with the general interest of the Confederation, such state, however, might be admitted as a member of the Union, with a less number than sixty thousand free inhabitants.

By the sixth and last article it was provided, there should be neither slavery or involuntary servitude in the territory, otherwise than in the punishment of crimes, of which the party should have been duly convicted. Fugitives, however, owing service in other states, might be reclaimed, and conveyed back to the person claiming his or her labor or service.*

In speaking of this subject, Mr. Curtis remarks: "American legislation has never achieved any thing more admirable, as an internal government, than this comprehensive scheme. Its provisions concerning the distribution of property, the principles of civil and religious liberty, which it laid at the foundation of the communities since established under its sway, and the efficient and simple organization by which it created the first machinery of civil society, are worthy of all the praise that has ever attended it. It was not a plan devised in the closet, upon theoretical principles of abstract fitness. It was a constitution of government, drawn by men, who understood from experience, the practical working of the principles which they undertook to embody. Those principles, were, it is true, to be applied to a state of society not then formed; but they were taken from states of society, in which they had been tried with success."* And these principles, too, were such as could hardly fail to ensure the prosperity of the settlers in the great West.

The position of the older states, however, could not but engage, almost entirely, public attention. The embarrassments of individuals, as Marshall remarks, kept on increasing during these trying years, and there seemed to be no way of escape from impending ruin. Two great parties, according to the same learned authority, were formed in every state, which pursued distinct ob-

* Mr. President King, in February, 1855, printed in the New York Daily Tribune, a chapter from his forthcoming important contribution to American history, "*The Life and Correspondence of Rufus King.*" In this chapter, (a copy of which was kindly furnished by Mr. King himself) the question is fully and lucidly discussed respecting the authorship of the celebrated Ordinance of 1787 and its wise and benevolent provisions. For an Extract from this valuable historical paper, see Appendix, at the end of the present chapter.

* For further remarks on the difficulties which were found to exist in regard to the management of this territory, the admission of new states, the discussions on this subject in the Federal Convention, etc. see Curtis's "*History of the Constitution,*" vol. i., pp 308, 309.

jects with systematic arrangement. "The one struggled for the exact observance of public and private contracts. Those who composed it, were the uniform friends of the regular administration of justice, and of a vigorous course of taxation, which would enable the state to comply with its engagements. By a natural association of ideas, they were also in favor of enlarging the powers of the federal government, and of enabling it to protect the dignity and the character of the nation abroad, and its interests at home. The other party marked out for themselves a more indulgent course. They were uniformly in favor of relaxing the administration of justice, of affording facilities for the payment of debts, or of suspending their collection, and of remitting taxes. The same course of opinion led them to resist every attempt to transfer from their own hands into those of Congress, powers which others deemed essential to the preservation of the Union. Wherever this party was predominant, the emission of paper money, the delay of legal proceedings, and the suspension of taxes, were the fruits of their rule. Even where they failed to carry their measures, their strength was such as to encourage the hope of succeeding in a future attempt. Throughout the Union, the contest between these parties was annually revived, and the public mind was perpetually agitated with hopes and fears on subjects which affected essentially the fortunes of a considerable portion of society. This instability in principles, which ought to be rendered immutable, produced a long train of ills; and is believed to have been among the operating causes of those pecuniary embarrassments which influenced the legislation of almost every state. The wise and thinking part of the community, who could trace evils to their source, labored unceasingly to inculcate opinions favorable to the incorporation of some principles into the political system, which might correct its obvious vices, without endangering its free spirit."

1785.

In this deplorable state of affairs, when matters had arrived at such a pass, that something must be done, or the Union would inevitably perish, it happened that certain measures were taken in Virginia, which, though having in view only commercial regulations, were, under the advice and influence of Washington, made available for setting in motion the great movement which resulted ultimately in the Federal Constitution. Commissioners were appointed by the legislatures of Virginia, and of Maryland, to form a compact relative to the navigation of the Rivers Potomac and Pocomoke, and part of the Bay of Chesapeake, who assembled in Alexandria, in March, 1785. While at Mount Vernon, on a visit, they agreed to propose to their respective governments the appointment of other Commissioners, with power to make conjoint arrangements, with the assent of Congress, for maintaining a naval force in the Chesapeake, and for establishing a tariff of duties on imports, to which the laws of both states should conform. The legislature of Virginia

1785.

assented to these propositions, and a resolution was passed, directing that what related to the duties on imports, be communicated to all the states who were invited to send deputies to the meeting.

In January, 1786, the Assembly of Virginia appointed Commissioners, who were instructed to consider the state of the *trade* of the United States, and to digest and report to the several states, such measures as would enable Congress effectually to provide for the same. The meeting was held at Annapolis, in September, when two Commissioners from New York, three from New Jersey, one from Pennsylvania, three from Delaware, and three from Virginia, constituted the whole number of this convention. Nothing was done with reference to the special object of the meeting; yet their deliberations resulted in a report to their respective states; recommending a second convention of delegates, to which all the states should be invited to appoint Commissioners, to meet at Philadelphia, in the following May; and urging a revisal of the Constitution of the Federal Government, to render it adequate to the exigencies of the Union. A letter was also sent to Congress, accompanied with a copy of their report to the states.

1786.

In our next chapter, we shall give an account of the assembling of the Federal Convention, and of the important national work with which it was charged.

APPENDIX TO CHAPTER I.

THE ORDINANCE OF 1787 FOR THE GOVERNMENT OF THE NORTH WESTERN TERRITORY.*

On the 15th of April, 1785, the day after the Grand Committee, of which Mr. King was a member, had reported to Congress the Ordinance locating and disposing of the public lands, which became a law on the 20th of May following:—Mr. King thus acknowledges Mr. Pickering's letter:

"New York, *April* 15, 1785.

"The best return in my power to make you for your ingenious communications on the mode of disposing of the Western Territory, is to inclose, for your examination, the form of an Ordinance, reported to Congress on the subject. . . . . *I likewise inclose you the report on a motion for the exclusion of slavery from the new states.* Your ideas on this subject are so just, that it would be impossible to differ from them."

Of the report on the exclusion of slavery, here mentioned, no trace is to be found. It must refer, one would suppose, to the resolution submitted by Mr. King himself, on the 16th of March, and committed on that day; but no allusion in the journal, nor any other than thus casually in Mr. King's letter to Mr. Pickering, has been found.

But it is certain, that Mr. King did not abate of his zeal on the subject, and when, in November, 1785, Nathan Dane became one of his colleagues from Massachusetts, and a new Ordinance for governing the Western Territory came

* For the text of this celebrated Ordinance, see Story's "*Exposition of the Constitution*," pp. 829–837.

under the consideration of Congress, as has already been related, in September, 1786, and in varying shapes, occupied its attention, at times, through the residue of that year, and through the year 1787, until its final adoption, in July, of the last year, it is on the record of the journal, that Mr. King took constant and earnest part in its discussion. If, then, in the Ordinance, as finally adopted, shall be found embodied specific propositions made by Mr. King, and by him only; and if it shall appear, as now I am about to make it appear, that the authorship of the Ordinance was Mr. Dane's, and not Mr. Jefferson's, as has been so long claimed, and recently with emphatic and confident argument by Governor Coles, formerly of Illinois; the deduction would seem legitimate and conclusive, that Mr. Dane, acting with his colleague, had accepted and embodied his suggestions in the Ordinance.

Let the chief of these suggestions be briefly set forth: First, and most important, is that prohibiting slavery. Mr. Jefferson's proviso was *prospective;* that of Mr. King, *immediate;* the proviso of the Ordinance of 1787 was *immediate*, and in the identical words offered by Mr. King, 16th March, 1785, except that his proviso reached to all the territory embraced in Mr. Jefferson's resolutions of April, 1784, while that of the Ordinance was restricted, necessarily, perhaps, to the precise territory which that Ordinance was framed to govern. In other respects, the language is identical, changing only the words, "shall have been personally guilty," as used by Mr. King, to "shall have been duly convicted," in the Ordinance. Mr. Dane nowhere appears on the record to have made any motion himself in Congress, on the subject of slavery, and, therefore, finding that of Mr. King in the journals, and having it urged upon his attention, doubtless, by Mr. King himself, he adopted it as his own.

Article III. of the fundamental articles, thus stipulated: "Religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools, and the means of education, shall forever be encouraged."

Of this there is nothing in the Jefferson resolutions of April, 1784, but the extracts given from Mr. Pickering's letters, and the journals of Congress, during 1785–6, when the land ordinances were under discussion, show how perseveringly, and to a certain extent successfully, Mr. King labored to obtain, for the purposes of education and of religion, reserved townships in every range.

And last, and hardly perhaps second in importance to the first—the Proviso of Freedom—of a kin, indeed, with it, is that proviso, incalculable in its value as a bond of union; incalculable in its value to commercial intercourse, and to good neighborhood, which stipulates "that the navigable waters leading into the Mississippi and the St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the Confederacy, without any tax, impost, or duty therefor."

This, in the first instance, was due to the far-reaching and statesmanlike suggestions of Timothy Pickering, and was introduced into Congress by the joint agency of Virginia and Massachusetts; states which then stood, as, during the war, they had stood, shoulder to shoulder, on so many trying occasions. Mr. Pickering, in a letter to Rufus King, of 8th March, 1785, discussing the Ordinance then under the consideration of Congress, for regulating the Western Territory, thus sagaciously writes:

"Water communications in that country will always be in the highest degree interesting to the inhabitants. It seems very necessary to secure the freedom of navigating these, to all the inhabitants of all the states. I hope we shall have no Scheldts in this country."

So wise a suggestion was not lost upon his correspondent, and, accordingly, on the 12th of March, 1786, while the Ordinance "for ascertaining the mode of locating and disposing of the public lands in the Western Territory, was under consideration, Mr. Grayson, of Virginia, who, as the journals show, acted very frequently in concert with Mr. King, and who separated from his colleagues, and voted *aye* on Mr. King's Anti-Slavery proviso, on 16th March, of the same year, less than two months before, moved this resolution, which was seconded by Mr. King, and adopted:

"*Resolved*, That the navigable waters leading into the Mississippi and the St. Lawrence, and the

carrying places between the same be, and are hereby declared to be, common highways, and to be forever free, as well to the inhabitants of said Territory, as to the citizens of the United States, and those of any other state that may be admitted into the Confederation, without any tax, duty, or impost therefor."

This resolution, without the change of a letter, is embodied in the Ordinance of 1787; and thus we see that the two important provisos; the one *against* slavery extension, and the other *for* the inviolable freedom to all American citizens, in all time, and exempt from all impost or taxation, of the great navigable waters of the Union, designed by God himself as the highway of nations, originally proposed or promoted by Mr. King; were taken by Mr. Dane from the records of Congress, and introduced into his immortal Ordinance. And now for the conclusive proof that this Ordinance was *his*—prepared aud drafted by him, and accepted unanimously by Congress, almost without alteration. This proof is in the letter of which the annexed is a full, literal, and exact copy from the original, in my hands:

New York, *July* 16, 1787.

To the Hon. Rufus King, Esq., *Philadelphia:*

Dear Sir:—I am obliged to you, for yours of the 11th inst. With pleasure I communicate to you what we are doing in Congress; not so much from a consciousness, that what we do is well done, as from a desire that you may be acquainted with our proceedings. We have been much engaged in business for ten or twelve days past, for a part of which we have had eight states. There appears to be a disposition to do business, and the arrival of R. H. Lee is of considerable importance. I think his character serves, at least, in some degree, to check the effects of the evil habits, and lax mode of thinking of some of his countrymen. We have been employed about several objects, the principal of which have been the * Government inclosed, and the Ohio purchase; the former, you will see, is completed, and the latter will probably be completed to-morrow. We tried one day to patch up † M . . . 's system of W. government, started new ideas, and committed the whole to Carrington, Dane, R. H. Lee, Smith and Kean. We met several times, and at last agreed on some principles; at least Lee, Smith, and myself. We found ourselves rather pressed. The Ohio Company appeared to purchase a large tract of the federal lands—about six or seven millions of acres—and we wanted to abolish the old system, and get a better one for the government of the country, and we finally found it necessary to adopt the best system we could get. All agreed finally to the inclosed plan, except A. Yates. He appeared in this case, as in most others, not to understand the subject at all. I think the number of free inhabitants, sixty thousand, which are requisite for the admission of a new state into the Confederacy, is too small; but, having divided the whole Territory into three states, this number appears to me to be less important. Each state, in the common course of things, must become important, soon after it shall have that number of inhabitants. The Eastern state of the three, will probably be the first, and more important than the rest, and will no doubt be settled chiefly by Eastern people; and there is, I think, full an equal chance of its adopting Eastern politics. When I drew the Ordinance, (which passed, a few words excepted, as I originally formed it,) I had no idea the states would agree to the sixth article, prohibiting slavery, as only Massachusetts, of the Eastern States, was present, and therefore omitted it in the draft; but, finding the House favorably disposed on this subject, after we had completed the other parts, I moved the article, which was agreed to without opposition. We are in a fair way to fix the terms of our Ohio sale, etc. We have been upon it three days steadily. The magnitude of the purchase makes us very cautious about the terms of it, and the security necessary to insure the performance of it. We have directed the Board to examine and report upon Holkar's affair.

Massachusetts Legislature was prorogued the 7th instant, having continued the Tender Act, as it is called, to January, 1788, and having passed no other act of importance, except what, I presume, you have seen respecting the raising of troops, and the power of the governor, to pursue the rebels, etc.* You ask me how I like my new col-

* The Ordinance of 1787, adopted on 13th July.

† These initials refer, possibly, to the plan proposed by Mr. Monroe.

* Refers to Shays's rebellion.

leagues. Sedgewick, you know, we all esteem; but I fear he will not make his attendance an object. Thatcher, I am quite unacquainted with. I do not know whether Mr. Otis, at this period of life, and under his misfortunes, will enter with vigor into federal politics. I wish his accounts with the Union had been settled, etc.

Nothing more worth particular notice.

Your affectionate friend,

N. Dane.

Hon. R. King.

P. S. States present: Massachusetts, New York, New Jersey, Delaware, Virginia, North Carolina, South Carolina, and Georgia. Brother Holten is rather an invalid; is not able to take an active part in business; but I think supports pretty good Eastern politics.

This letter, now for the first time made public, was written, it will be seen, three days only after the passing of the famous Ordinance, before there was any controversy about it, and without consciousness, so far as the modest tenor of the whole letter can witness, of the priceless value of the Act thus perfected. The course of the preparation, discussion, and final adoption of the Ordinance, is related with entire simplicity. No doubt, therefore, can now be entertained, that Mr. Dane did frame the Ordinance throughout; that it was he who directed the mode of presenting it to the House, and carrying it through all its stages.

Mr. Carrington, of Virginia, named first on the Committee, and, therefore, by usage, its chairman, did not, as appears by this letter, agree with the majority of the Committee, and, therefore, probably declined to report the Ordinance, devolving that duty on Mr. Dane, who stood next on the list, and who was in the majority. This explains, what heretofore has not been understood, how Mr. Dane, the second on the Committee, came to be its reporter; and the almost literal accuracy is hereby established of the account given by Daniel Webster, in his Oration against Hayne, on the Foot resolutions, in the United States Senate, in 1830, that this Ordinance "was drawn by Nathan Dane, and adopted by Congress, without the slightest alteration." "A few words excepted," says Mr. Dane, "and the Ordinance passed as I originally formed it."

Having thus established the conclusiveness of the claim of authorship of the Ordinance of 1787, for Nathan Dane, and shown that to Rufus King, and indirectly to Timothy Pickering, belongs the suggestion of the provisos contained in it *against* slavery, and *for* aids to religion and knowledge, and *for* assuring forever the common use, without charge, of the great national highways of the Mississippi, the St. Lawrence, and their tributaries, and their carrying places, to all the citizens of the United States; and having, at the same time, by spreading *in extenso* before the readers of this chapter, both the resolution of Mr. Jefferson, of April, 1784, and the Ordinance of 1787, put it within their reach, to compare these instruments, and thus ascertain how much of one is borrowed from, or is suggested by the other; it may be said, in conclusion, that in endeavoring to assign to each of the prominent actors in this great scene his due merit and responsibility, no desire has been felt, nor, it is hoped, manifested, even unconsciously, of magnifying any one at the expense of others. Enough of enduring reputation for each and all, must forever honor the names of Dane, and Jefferson, and Pickering, and King, for the part taken by each in the long, laborious, and eventful struggle, which had so glorious a consummation in the Ordinance, consecrating forever, by one imprescriptible and unchangeable muniment, the very heart of our land to Freedom, Knowledge and Union.

The reader who wishes to see this question differently stated, and the grounds on which it is asserted that "the authorship of the Ordinance of 1787, and its passage through the old Congress, are the indisputable work, both in its conception and consummation, of the South," is referred to Senator Benton's "*Thirty Years' View*," vol. i. pp. 133—6.

CHAPTER II.

1787.

THE FEDERAL CONVENTION AND ITS WORK.

Course pursued by Virginia as to the Federal Convention — The Resolution of Congress — Alarming condition of affairs in New England — Shays's Insurrection in Massachusetts — Action in Congress — Washington's anxious apprehensions — Lincoln commands the Massachusetts troops — The rebellion suppressed — Necessity felt for the Convention in the present crisis — Wisdom of the course pursued by Congress — Washington placed on the Virginia delegation — Hesitates to accept — The Convention assembles in May — The work before them — Randolph's resolutions, or the "Virginia Plan" — Patterson's proposition, or the "Jersey Plan" — Debates in the Convention — Difficulties in the way of arranging the several powers of the Legislature, the Executive, and the Judiciary — Franklin's motion for daily prayers in the Convention — Compromise on the question of the two branches of the Legislature — Letter of Washington as president of the Convention — The Constitution of the United States. Appendix to Chapter II. — I. Hamilton's Plan of Government — II. List of the members of the Federal Convention which formed the Constitution of the United States.

The recommendation of the commissioners who had met at Annapolis was received quite differently in different parts of the country. Virginia entered heartily into the proposal, and in October, 1786, selected seven of her most eminent citizens, to meet delegates from the other states, at Philadelphia, in May following, and to "join with them in devising and discussing all such alterations and further provisions, as may be necessary to render a Federal Constitution adequate to the exigencies of the Union." Congress looked rather doubtfully upon the movement, and it was open to question, whether it was constitutional to attempt changes of the kind intended, without they originated in Congress itself, and were submitted to, and adopted by, the legislatures of the states, as provided by the Articles of Confederation. Due attention, however, was given to the subject; for it was felt that the crisis was at hand, and that, unless the general government could possess and exercise power adequate to the necessities of the country, deplorable results must certainly follow. A report was made, during the winter, upon the proposal of the Annapolis commissioners, which report met with considerable opposition, and it remained somewhat uncertain as to the course which it would finally be deemed best to adopt. A variety of causes, however, of which we shall presently speak, tended to produce a change in the views of Congress, and urge them to action. Accordingly, in February, 1787, the following Resolution was passed by Congress: "Whereas, there is provision in the Articles of Confederation and Perpetual Union, for making alterations therein by the assent of a Congress of the United States, and of the legislatures of the

1786.

several states; and whereas, experience hath evinced, that there are defects in the present Confederation, as a means to remedy which several of the states, and particularly the State of New York, by express instructions to their delegates in Congress, have suggested a Convention for the purposes expressed in the following Resolution; and such Convention appearing to be the most probable means of establishing in these states a firm national government,—*Resolved*, That, in the opinion of Congress, it is expedient, that on the second Monday in May next, a Convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the Federal Constitution adequate to the exigencies of government, and the preservation of the Union."

1787.

Acting under this authority, the several states, except Rhode Island, proceeded to the appointment of delegates to the Federal Convention.

It may be doubted, however, whether necessary action would have taken place, even at this time, had not the alarming condition of affairs in the New England states, during the latter part of 1786 and opening of 1787, roused Congress and the people to a sense of the immediate danger which existed, of the whole country running into anarchy and ruin. The immense burden of debt, especially in Massachusetts; the relaxation of Puritan strictness, and the free use of foreign articles of luxury; the decay of trade and manufactures, with a scarcity of money; and above all, the debts due from individuals to each other; were the primary causes of a very dangerous and formidable insurrection in Massachusetts. Wild and extravagant notions of liberty, and of the power of the people to oppose the action of the law, led to the assembling of bodies of men from different towns, who, after voting their own constitutionality, and assuming the name of the people, arrayed themselves against the legislature, and detailed at great length grievances, by which as they said, they were oppressed. Their hostility was most active against the taxes, the compensation promised to the officers of the army, and the administration of justice by the courts of law. Proceeding from inflammatory words to actions, the disaffected citizens of Massachusetts armed themselves, surrounded the court houses in several counties, and completely obstructed the sessions of the courts. Some fifteen hundred insurgents acted in this manner at Northampton. The governor issued a proclamation, early in September, calling upon the officers and citizens of the commonwealth to suppress all such treasonable proceedings; but in the excited state of the community, it had little effect. The week succeeding the proclamation, a body of more than three hundred insurgents posted themselves at the court house in Worcester, and compelled the courts to adjourn. Similar riotous pro-

1786.

ceedings took place in other counties. One step led to another. The weakness of the government, and the attempts made by it to suppress the insurrection by persuasion and promises rather than by force, induced a large body of men to organize, under arms, in order to force the state to comply with its demands. Minot, the historian of the Insurrection, states, that in the month of December, in the counties of Worcester and Hampshire, some fifteen hundred men were embodied, and were headed by one Daniel Shays, who had been a captain in the continental army.

The public arsenal at Springfield, containing arms and ammunition belonging to the United States, was threatened; and the secretary of war communicated his fears to Congress on this subject. This communication, as well as a letter from the same officer, concerning some hostile movements of the Indians in the western country, was referred to a committee. In October, 1786, this committee made a *secret* report to Congress, in which they stated, "that a dangerous insurrection has taken place, in divers parts of the State of Massachusetts, which was rapidly extending its influence; that the insurgents had already, by force of arms, suppressed the administration of justice in several counties; that though the legislature of said state was in session, yet from the circumstances attending it, it would undoubtedly defeat the object of the federal interposition, should a formal application for the same be made." The committee then added, that it appeared to them, "that the aid of the federal government is necessary, to stop the progress of the insurgents; that there is the greatest reason to believe, that unless speedy and effectual measures shall be taken to defeat their designs, they will possess themselves of the arsenal at Springfield, subvert the government, and not only reduce the commonwealth to a state of anarchy and confusion, but probably involve the United States in the calamities of a civil war." Under these circumstances, the committee were of opinion, that the United States were bound by the Confederation and good faith, as well as by principles of friendship and sound policy, to be prepared to extend such aid as should be necessary to restore constitutional authority in Massachusetts, and to afford protection to the public stores there deposited. For these purposes, the committee recommended that a body of troops be immediately raised. The same committee made a *public* report, in which they recommended the raising of thirteen hundred and forty men, ostensibly for the purpose of protecting the frontiers against the hostile movements of the Indians, but really, to aid in quelling the insurrection in Massachusetts. These reports were accepted by Congress, and the troops were to be enlisted principally in the four New England states. For the support and payment of these troops, the states were called upon to pay into the public treasury, by the first of June, 1787, their proportion of five hundred and thirty thousand dollars in specie, and a loan of half a million of dollars, was authorized to be opened immediately. It may

1786.

be mentioned here, however, that the troops of the United States were not needed in New England for this purpose, Massachusetts herself quelling the insurrection.

The spirit of rebellion was not confined to Massachusetts, but was active, to a considerable extent, in New Hampshire and Connecticut. The firmness and decision of the governments of those states, however, prevented the insurgents from accomplishing their designs.

It may well be believed, that Washington, at Mount Vernon, was no uninterested spectator of these alarming proceedings in Massachusetts. Writing, under date of October 31st, 1786, to Henry Lee, in Congress, who had suggested that it might be necessary to resort to his influence in quieting the insurgents, Washington says: "The commotion and temper of numerous bodies in the Eastern country, present a state of things equally to be lamented and deprecated. They exhibit a melancholy verification of what our transatlantic foes have predicted, and of another thing, perhaps, which is still more to be regretted, and yet more unaccountable, that mankind, when left to themselves, are unfit for their own government. I am mortified beyond expression, when I view the clouds which have spread over the brightest morn that ever dawned upon any country. In a word, I am lost in amazement, when I behold what intrigue, the interested views of desperate characters, ignorance and jealousy of the minor part, are capable of effecting, as a scourge on the major part of our fellow-citizens of the Union; for it is hardly to be supposed, that the great body of the people, though they will not act, can be so short-sighted, or enveloped in darkness, as not to see rays of a distant sun through all this mist of intoxication and folly. 1786.

"You talk, my good sir, of employing influence to appease the present tumults in Massachusetts. I know not where that influence is to be found, nor, if attainable, that it would be a proper remedy for these disorders. INFLUENCE IS NOT GOVERNMENT. Let us have a *government*, by which our lives, liberties, and properties will be secured; or let us know the worst at once. Under these impressions, my humble opinion is, that there is a call for decision. Know precisely what the insurgents aim at. If they have *real* grievances, redress them if possible, or acknowledge the justice of them, and your inability to do it in the present moment. If they have not, employ the force of government against them at once. If this is inadequate, *all* will be convinced that the superstructure is bad, or wants support. To be more exposed in the eyes of the world, and more contemptible, is hardly possible. To delay one or the other of these expedients, is to exasperate on the one hand, or to give confidence on the other, and will add to their numbers; for, like snowballs, such bodies increase by every movement, unless there is something in the way to obstruct and crumble them before their weight is too great and irresistible.

"These are my sentiments. Precedents are dangerous things. Let the

reins of government, then, be braced with a steady hand, and every violation of the Constitution be reprehended. If defective, let it be amended, but not suffered to be trampled upon while it has an existence."

To others of his correspondents, especially General Knox and Colonel Humphreys, Washington wrote in terms of deep and earnest anxiety as to the sad and alarming prospect before them all.

Finding, says Marshall,* that the lenient measures adopted by the legislature, to reclaim the insurgents, only enlarged their demands; and that they had organized a military force for the subversion of the Constitution, Governor Bowdoin determined, with the advice of his council, on a vigorous exertion of the powers he possessed, for the protection and defence of the commonwealth. Upwards of four thousand militia were ordered into service, and early in January, were placed under the command of the veteran General Lincoln. The difficulty arising from an empty treasury was removed by the patriotism of individuals. A number of gentlemen in Boston, preceded by the Governor, subscribed a sufficient sum to carry on the proposed expedition.

1787.

In the depth of winter, the troops from the eastern part of the state, assembled near Boston, and marched towards the scene of action. Those from the western counties, met in arms, under General Shepard, and took possession of the arsenal at Springfield. Before the arrival of Lincoln, a party of insurgents attempted to dislodge Shepard, but were repulsed with some loss.

Lincoln urged his march with the utmost celerity, and soon came up. Pressing the insurgent army, he endeavored, by a succession of rapid movements, in which the ardor of his troops triumphed over the severity of the season, to disperse, or to bring it to action. Their commanders retreated from post to post, with a celerity, which, for some time, eluded his designs; and, rejecting every proposition to lay down their arms, used all their address to procure a suspension of hostilities, until an accommodation might be negotiated with the legislature. "Applications were also made," says General Lincoln, "by committees and selectmen of the several towns in the counties of Worcester and Hampshire, praying that the effusion of blood might be avoided, while the real design of these applications was supposed to be, to stay our operations, until a new court should be elected. They had no doubt, if they could keep up their influence until another choice of the legislature and of the executive, that matters might be moulded in general court to their wishes. To avoid this, was the duty of government." In answer to their applications, Lincoln exhorted those towns who sincerely wished to put an end to the rebellion, without the effusion of blood, "to recall their men now in arms, and to aid in

* See Marshall's "*Life of Washington*," vol. ii., pp. 122, 23. Holmes in his "*Annals*," gives a good abstract of the history of the insurrection and its termination, drawn from Minot's "*History of the Insurrections in Massachusetts.*"

apprehending all abettors of those who should persist in their treason, and all who should yield them any comfort or supplies."

The army of the government continued to brave the rigors of the season, and to press the insurgents without intermission. At length, with the loss of a few killed, and several prisoners, the rebels, early in February, were dispersed, their leaders driven out of the state, and this formidable rebellion quelled.

Perhaps nothing short of the stern necessity which existed, of providing against the peril of a renewal of such scenes as these just narrated, of losing the navigation of the Mississippi, and the western settlements, of reanimating the languishing, and almost annihilated commerce of the country, could have succeeded in bringing Congress and the various states to the conviction, that a Convention was not only the best, but, in fact, the only practicable mode of accomplishing the end universally desired.

The resolve of Congress was adopted, and the States of Virginia, Pennsylvania, Delaware, Georgia, North Carolina, New York, Massachusetts, South Carolina, Connecticut, New Jersey, Maryland, and New Hampshire, in the order just named, appointed delegates to the Federal Convention, Rhode Island alone having refused. Mr. Curtis, in several eloquent pages,* speaks of the vast and decisive importance to the interests of the Union, which was attained by the course pursued by Congress. That it should forego the right of originating changes in the system of government; that it should advise the States to confer that power upon a Convention; and that it should sanction a general revision of the Federal Constitution, with the express declaration of its present inadequacy; were all preliminaries essential to a successful reform. For the Congress of the Confederation, though enfeebled, and thinly attended, was still the only legitimate body which possessed authority to act in such a matter as this; and to have despised it, and cast off all control, would have been attended with dangers of the most serious character. It is to Hamilton chiefly, that we are indebted for the precedent, which wisely placed the formation of the new government, under the direct sanction of the old one.

"But the reason for not moving the revision of the system of government by Congress itself, was one that could not be publicly stated. It was, that the highest civil talent of the country was not there. The men to whom the American people had been accustomed to look in great emergencies; the men who were called into the Convention, and whose power and wisdom were signally displayed in its deliberations, were then engaged in other spheres of public life, or had retired to the repose which they had earned in the great struggle with England. Had the attempt been made by Congress itself, to form a Constitution for the acceptance of the States, the controlling influence and wisdom of

1787.

* "*History of the Constitution*," vol. i., pp. 362–65.

Washington, Franklin's wide experience and deep sagacity, the unrivalled capacities of Hamilton, the brilliant powers of Governeur Morris, Pinckney's fertility, and Randolph's eloquence, with all the power of their eminent colleagues, and all the strength of principle and of character, which they brought to the Convention, would have been withheld from the effort. One great man, it is true, was there. Madison was in Congress; and Madison's part in the framing of the Constitution, was eminently conspicuous and useful. But without the concentration of talent, which the Convention drew together, representing every interest, and every part of the Union, nothing could have been presented to the States, by the Congress of 1787, which would have commanded their assent. The Constitution owed as much to the weight of character of its framers, as it did to their wisdom and ability, for the intrinsic merits which that weight of character enforced." The learned author of the "History of the Constitution" goes on to speak of the fortunate circumstance, that Congress did not undertake to define the powers of the Convention; of the nature of the crisis; of the danger of attempting to establish a monarchical form of government; of the difficulties attending a revisal of the Federal Union, arising out of sectional jealousies and doubts in the minds of the patriots and statesmen of the day, respecting the expediency of a Convention; of the novelty of the undertaking; and such like important and weighty topics. The reader, who wishes to master this subject, must study the work of Mr. Curtis with care and diligence.

Virginia had placed the name of George Washington, at the head of her delegates to the Federal Convention. Letters poured in upon him from all quarters, urging his acceptance of the appointment. In answer to one from Mr. Madison, who had been the principal advocate of the measure in the Virginia legislature, Washington stated, that although he had retired from public life with a determination never to enter it again, yet he was willing that his country should have the benefit of whatever power he possessed to do her good, if he were not just then in rather an unpleasant position. "I presume you heard," he went on to say, "that I was first appointed, and have since been rechosen President of the Society of the Cincinnati; and you may have understood also, that the triennial general meeting of this body, is to be held in Philadelphia, the first Monday in May next. Some particular reasons, combining with the peculiar situation of my private concerns, the necessity of paying attention to them, a wish for retirement, and relaxation from public cares, and rheumatic pains, which I begin to feel very sensibly, induced me, on the 31st ultimo, to address a circular letter to each state society, informing them of my intention, not to be at the next meeting, and of my desire not to be re-chosen president. The vice-president is also informed of this, that the business of the society may not be impeded by my absence. Under these

circumstances, it will readily be perceived, that I could not appear at the same time and place, on any other occasion, without giving offence to a very respectable and deserving part of the community—the late officers of the American army."

As it was of the very highest importance, if not absolutely essential, to the success of the Convention that Washington should be present, and throw the weight of his influence in favor of its object, his objections were overruled, the meeting of the Society of the Cincinnati was to take place a week earlier than the assembling of the Convention, and Washington was thereby enabled to attend, if he saw fit, that meeting, and show his regard and esteem for his beloved companions in arms, and was also at liberty to yield to the urgent desire of his country to be present at the Federal Convention.

On Monday, May 14th, 1787, a number of deputies to the Federal Convention appeared at the State House in the city of Philadelphia; a majority of the states, however, not being represented, the members present adjourned from day to day, until Friday, the 25th of May, when nine states were represented by twenty-nine delegates, and the Convention proceeded to organize for business. Washington, as was every way fitting, was placed in the chair, and the illustrious men there gathered together, with closed doors, entered upon their momentous work. Soon after, the delegates from two other states appeared; and towards the close of July, all the states, except Rhode Island, had delegates in the Convention.

1787.

Our limits do not admit that we should go much into detail in giving an account of the Convention and its work. The journal of the Federal Convention, published by order of Congress, in 1819, and the carefully compiled narrative of Pitkin, will give the reader the fullest and best information which is readily accessible. We shall now only undertake to point out the more important steps taken, asking attention to certain papers which were discussed with great care and earnestness, and out of which finally was elaborated that Constitution of the United States, which was submitted to the people for their adoption.

Having resolved, among the Rules of Order, that "a house, to do business, shall consist of the deputies of not less than seven states, and all questions shall be decided by the greater number of these which shall be fully represented;" this august assembly seemed to be impressed, from the very first, with the conviction, that simply to revise the Articles of Confederation, which was all that was contemplated by the Resolution of Congress, under the sanction of which they were met, was entirely insufficient to remedy the glaring defects of the existing government. Thoroughly conscious of the vast difficulties in the way, and painfully aware of the wide spread sufferings, and trials, and distress, in which the Union was involved at the time, these great and wise statesmen and patriots nerved themselves to the work of endeavoring to prepare such a Constitution as would, while preserving the separate existence and importance

of each and every state, combine them into one great Confederacy, as the ONE PEOPLE of the United States of America.

On the 29th of May, Mr. Edmund Randolph submitted to the Convention the following fifteen Resolutions as the basis of a new Constitution.*

1787.

1. *Resolved*, That the Articles of the Confederation ought to be so corrected and enlarged, as to accomplish the objects proposed by their institution, namely, common defence, security of liberty, and general welfare.

2. *Resolved*, Therefore, that the right of suffrage, in the national legislature, ought to be proportioned to the quotas of contribution, or to the number of free inhabitants, as the one or the other may seem best, in different cases.

3. *Resolved*, That the national legislature ought to consist of two branches.

4. *Resolved*, That the members of the first branch of the national legislature ought to be elected by the people of the several states, every ..... for the term of .....; to be of the age of ..... years, at least; to receive liberal stipends, by which they may be compensated for the devotion of their time to public service; to be ineligible to any office established by a particular state, or under the authority of the United States, (except those peculiarly belonging to the functions of the first branch,) during the term of service, and for the space of ..... after its expiration; to be incapable of re-election for the space of ..... after the expiration of their term of service; and to be subject to recall.

5. *Resolved*, That the members of the second branch of the national legislature ought to be elected by those of the first, out of a proper number of persons nominated by the individual legislatures; to be of the age of ..... years, at least; to hold their offices for a term sufficient to insure their independency; to receive liberal stipends, by which they may be compensated for the devotion of their time to the public service; and to be ineligible to any office established by a particular state, or under the authority of the United States, (except those peculiarly belonging to the functions of the second branch,) during the term of service; and for the space of ..... after the expiration thereof.

6. *Resolved*, That each branch ought to possess the right of originating acts; that the national legislature ought to be empowered to enjoy the legislative right vested in Congress, by the Confederation; and moreover to legislate in all cases to which the separate states are incompetent, or in which the harmony of the United States may be interrupted by the exercise of individual legislation; to negative all laws passed by the several states, contravening, in the opinion of the national legislature the Articles of Union, or any treaty subsisting under the authority of the Union; and to call forth the force of the Union against any member of the Union failing to fulfil its duty under the Articles thereof.

7. *Resolved*, That a national execu-

* "See "*Journal of the Federal Convention*," pp. 67–70.

Randolph Washington

tive be instituted, to be chosen by the national legislature, for the term of . . . . . years; to receive punctually, at stated times, a fixed compensation for the services rendered, in which no increase or diminution shall be made, so as to affect the magistracy existing at the time of the increase or diminution; to be ineligible a second time; and that, besides a general authority to execute the national laws, it ought to enjoy the executive rights vested in Congress by the Confederation.

8. *Resolved*, That the executive, and a convenient number of the national judiciary, ought to compose a council of revision, with authority to examine every act of the national legislature, before it shall operate, and every act of a particular legislature before a negative thereon shall be final; and that the dissent of the said council shall amount to a rejection, unless the act of the national legislature be again passed, or that of a particular legislature be again negatived by . . . . . of the members of each branch.

9. *Resolved*, That a national judiciary be established . . . . . ; to hold their offices during good behavior; and to receive punctually, at stated times, fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution. That the jurisdiction of the inferior tribunals, shall be, to hear and determine, in the first instance, and of the supreme tribunal, to hear and determine in the dernier resort, all piracies and felonies on the high seas; captures from an enemy; cases in which foreigners, or citizens of other states, applying to such jurisdictions, may be interested, or which respect the collection of the national revenue; impeachments of any national officer; and questions which involve the national peace or harmony.

10. *Resolved*, That provision ought to be made for the admission of states, lawfully arising within the limits of the United States, whether from a voluntary junction of government and territory, or otherwise, with the consent of a number of voices in the national legislature less than the whole.

11. *Resolved*, That a republican government, and the territory of each state, (except in the instance of a voluntary junction of government and territory,) ought to be guaranteed by the United States to each state.

12. *Resolved*, That provision ought to be made for the continuance of a Congress, and their authorities and privileges, until a given day, after the reform of the Articles of Union shall be adopted, and for the completion of all their engagements.

13. *Resolved*, That provision ought to be made for the amendment of the Articles of Union, whensoever it shall seem necessary; and that the assent of the national legislature ought not to be required thereto.

14. *Resolved*, That the legislative, executive, and judiciary powers within the several states ought to be bound by oath to support the Articles of Union.

15. *Resolved*, That the amendments which shall be offered to the Confederation by the Convention, ought, at a

proper time or times, after the approbation of Congress, to be submitted to an assembly or assemblies of representatives, recommended by the several legislatures, to be expressly chosen by the people to consider and decide thereon.

Mr. Charles Pinckney, of South Carolina, also laid before the House, for their consideration, a Draft of a Federal Government to be agreed upon between the free and independent states of America.

The resolutions of Mr. Randolph, which are known as "the Virginia Plan," were referred to a Committee of the whole House, and were discussed with great care during the next two weeks. On the 17th of June, the committee of the whole reported nineteen resolutions to the Convention.

Mr. Patterson, of New Jersey, on the 15th of June, submitted certain propo-
1787. sitions to the Convention, as amendments to the Articles of Confederation. These propositions, called "the Jersey Plan," probably expressed the views of those who desired to go no further than to revise the Articles of Confederation. These propositions were debated for several days, but were finally rejected by seven states against three, and one divided.

Mr. Hamilton, on the 18th of June, in a speech on Mr. Patterson's propositions, read to the Convention a paper containing his ideas of a suitable plan of government for the United States. For this interesting paper, together with a letter from Hamilton, at a later date, the reader is referred to Appendix I., at the end of the present chapter.

On the 19th of June, the Convention resumed the consideration of the resolutions of Mr. Randolph, as amended in committee. They were the subject of debate and amendment until the 4th of July, when, with the exception of those relative to the Executive, they were referred to a "Committee of Detail," consisting of Mr. Rutledge, Mr. Randolph, Mr. Gorham, Mr. Ellsworth, and Mr. Wilson, for the purpose of reducing them to the form of a Constitution. On the 26th of July, twenty-three resolutions, adopted and elaborated by the Convention, were referred, together with the plan of Mr. C. Pinckney, and the propositions of Mr. Patterson, to the same committee, to report a draft of a Constitution.

The House having adjourned to the 6th of August, the committee then reported a draft of a Constitution. This was under debate until the 8th of September, when a committee was appointed by ballot, consisting of Mr. Johnson, Mr. Hamilton, Mr. G. Morris, Mr. Madison, and Mr. King, "to revise the style of, and arrange the Articles agreed to by the House." On the 12th, this committee reported a revised draft of the Constitution.* The Constitution† was engrossed, and the members hav-

* The *text* of the Constitution, as finally adopted, was prepared by the facile pen, and owes its luminous order to the clear, comprehensive mind of Gouverneur Morris. See his *Life*, by Jared Sparks, vol. i., p. 284.

† For a list of the members of the Convention which formed the Constitution, see Appendix II., at the end of the present chapter.

ing signed it, the Convention, on the 17th of September, adjourned *sine die*.

There does not appear to have been much difference of opinion in the Convention, as to the propriety and importance of establishing the national government, in its three grand divisions of a supreme legislative, executive and judicial authority. In respect, however, to the arrangement and harmonizing these three great co-ordinate departments, the relative weight of the several states in these departments, and the powers with which each should be invested, there were very serious differences of sentiment, and the questions were debated with great earnestness, eloquence, and force of argument. It having been determined, that the legislature should be divided into two branches—viz., a House of Representatives and a Senate, the question immediately came up as to the votes of the states in these branches. The larger and the smaller states, it was supposed, had diverse interests, and the latter feared, that the former would not respect the rights of the others. The smaller states, after some discussion, yielded the point in regard to the House, consenting that the number of members from each state should be in proportion to the whole number of white or other free citizens in each, including those bound to service for a term of years, and three-fifths of all other persons. But they absolutely refused to agree to any thing less than an equal vote in the Senate.

The larger states were very unwilling to allow this equality of vote in the Senate, and for a time, the question hung in doubt in the Convention. Mr. Ellsworth moved again, on the 29th of June, "that in the second branch, each state should have an equal vote." This produced a long and violent debate, in which Mr. Ellsworth, Mr. Baldwin, Mr. Wilson, Mr. Madison, Dr. Franklin, and others, participated.* On the 2d of July, the question was taken on Mr. Ellsworth's motion, and five states were in favor of it, five against it, and one divided; so the motion was lost. Connecticut, New York, New Jersey, Delaware and Maryland, were in the affirmative; Massachusetts, Pennsylvania, Virginia, North Carolina and South Carolina, were in the negative; and Georgia was divided. 1787.

The Convention seemed now to be at a stand-still, and a compromise of some kind was absolutely necessary. Mr. Martin, of Maryland, declared that each state must have an equal vote, or the business of the Convention was at an end. Mr. C. C. Pinckney moved the appointment of a committee on the subject, which was advocated by Mr. Sherman, Mr. Gerry and others. Mr. Gerry observed, that the world expected something from them—if we do nothing, we must have war and confusion—the old Confederation would be at an end. Let us see if concessions cannot be made; accommodation is absolutely necessary, and defects may be amended by a future Convention.

It was while this exciting subject was under consideration, that Dr.

* For an abstract of this debate, see Pitkin's "*Political and Civil History of the United States*," vol. ii., pp. 233–245.

Franklin made a speech, which is preserved in his works, in advocacy of the need of prayers being offered up in the Convention every morning.

"Mr. President," the wise old man said, "The small progress we have made, after four or five weeks' close attendance and continual reasonings with each other, our different sentiments on almost every question, several of the last producing as many *noes* as *ayes*, is methinks a melancholy proof of the imperfection of the human understanding. We indeed seem to *feel* our own want of political wisdom, since we have been running all about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics, which, having been originally formed with the seeds of their own dissolution, now no longer exist; and we have viewed modern states all round Europe, but find none of their constitutions suitable to our circumstances. In this situation of this Assembly, groping, as it were, in the dark, to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of Lights to illuminate our understandings? In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for the divine protection! Our prayers, Sir, were heard;—and they were graciously answered. All of us, who were engaged in the struggle, must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend?—or do we imagine we no longer need his assistance? I have lived, Sir, a long time; and the longer I live, the more convincing proofs I see of this truth, *That* God *governs in the affairs of men!* And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the Sacred Writings, that 'except the Lord build the house, they labor in vain that build it.' I firmly believe this; and I also believe, that without his concurring aid, we shall succeed in this political building no better than the builders of Babel: we shall be divided by our little partial local interests, our projects will be confounded, and we ourselves shall become a reproach and a by-word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom, and leave it to chance, war, and conquest.

"I therefore beg leave to move, That henceforth prayers, imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning,* before we proceed to business; and that one or

* Dr. Franklin's note upon this, is both curious and instructive;—"The Convention, except three or four persons, thought prayers unnecessary!" On the subject of Franklin's religious opinions, see Sparks's "*Life of Franklin*," pp. 515–17. Also, "*Writings of Franklin*," vol. v., p. 153.

more of the clergy of this city be requested to officiate in that service."

Mr. Pinckney's motion having prevailed, a committee of one from each state was appointed—viz., Mr. Gerry, from Massachusetts; Mr. Ellsworth, from Connecticut; Mr. Yates, from New York; Mr. Patterson, from New Jersey; Dr. Franklin, from Pennsylvania; Mr. Bradford, from Delaware; Mr. Martin, from Maryland; Mr. Mason, from Virginia; Mr. Davie, from North Carolina; Mr. Rutledge, from South Carolina; and Mr. Baldwin, from Georgia. The Convention then adjourned for three days.

The Committee, happily, in a spirit of compromise, on the 5th of July, reported to the Convention, recommending two propositions, on condition that both should be generally adopted. These propositions were:— 1787.

1. That, in the first branch of the legislature, each of the states now in the Union, be allowed one member for every forty thousand inhabitants, of the description reported in the seventh resolution of the Committee of the whole House; that each state not containing that number, shall be allowed one member; that all bills for raising or appropriating money, and for fixing the salaries of the officers of the government of the United States, shall originate in the first branch of the legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the public treasury, but in pursuance of appropriations to be originated in the first branch.

2. That, in the second branch of the legislature, each state shall have one vote.

The power of raising and appropriating money, and fixing the salaries of the officers, was given to the House of Representatives, where the states were represented by the number of their inhabitants, as a balance to the powers of the Senate, where they were to be equally represented. On the question of vesting the House with the exclusive power of raising and appropriating money, and fixing the salaries of the officers, the states were divided in the following manner:—Connecticut, New Jersey, Delaware, Maryland, and North Carolina, in the affirmative: Pennsylvania, Virginia, and South Carolina, in the negative; Massachusetts, New York, and Georgia, divided. Nine states against two, determined, that this was a decision of the question in the affirmative. On that part of the report of the Committee, recommending, that each state have an equal vote in the Senate, on the 7th of July, Connecticut, New York, New Jersey, Delaware, Maryland, and North Carolina, were in the affirmative; Pennsylvania, Virginia, and South Carolina, in the negative; Massachusetts and Georgia, divided.*

This great question, as to its principle, having been thus settled, the Convention were at liberty to proceed,

* Mr. Lansing and Mr. Yates, delegates from New York, considering that the Convention were transcending their powers, returned home about the 11th of July. Mr. Hamilton, the other New York delegate, remained to the close of the Convention, and signed the Constitution.

as they did, to arrange the details in respect to the House of Representatives and the Senate of the United States.

It is not necessary that we should enlarge upon the other difficult and delicate topics which occupied the attention of the Convention; such as, the powers granted to Congress; the restrictions on the powers of the states; the organization and powers of the Executive; the formation of the supreme judiciary; the importing of slaves; the powers of Congress relative to navigation acts; etc. The same spirit of compromise, as spoken of above, was continually called into action; and the members of this august assemblage found, that mutual concessions were absolutely requisite, and that no one of them was able to obtain such a Constitution as he hoped for or expected.*

The Convention provided that the ratification of nine states should be sufficient for the establishment of the new system among the states so ratifying the same. Having experienced the evils arising from that part of the old system of the general government, which required the assent of every state to any amendment, the members of the Convention very wisely ordered in the Constitution, that Congress, whenever two-thirds of both Houses deemed it necessary, should propose amendments; or, on the application of the legislatures of two-thirds of the several states, should call a Convention for proposing amendments, which, in either case, should be valid, as part of the Constitution, when ratified by the legislatures or conventions of three-fourths of the several states; with a proviso, however, that no amendment which should be made, prior to the year 1808, should in any manner, affect the rights of the states to bring in slaves; *and that no state, without its consent, should be deprived of its equal suffrage in the Senate.**

A few days before the close of the Convention, Washington prepared and submitted a draft of a letter to Congress, which was adopted. **1787.** The Constitution having been duly signed, it was transmitted to Congress,

* Mr. Madison mentions, as illustrating Franklin's tact, that, at the close of the Convention, when the members were signing the Constitution, the aged philosopher pointed to a sun painted upon the back of the president's chair, and, remarking with a smile, that painters had generally found it difficult, in their art, to distinguish a rising from a setting sun, went on to say, "I have often and often, in the course of the session, and the vicissitude of my hopes and fears as to its issue, looked at that sun behind the president, without being able to tell whether it was rising or setting; but now, at length, I have the happiness to know that it is a rising and not a setting sun."

* Amendments were proposed and even adopted until the very last day of the session. The ratio of representation having been fixed at one representative for every forty thousand inhabitants, on the last day, the 17th of September, Washington rose and remarked, in substance, that "though he was sensible of the impropriety of the chairman's intermingling in the debates, yet he could not help observing, that the small number which constituted the representative body, appeared to him a defect in the plan—that it would better suit his ideas, and he believed it would be more agreeable to the people, if the number should be increased, and that the ratio should be one for every *thirty thousand*." The motion for reducing the ratio to this number was immediately put, and almost unanimously carried. This is but one instance of the influence of that great man in the Federal Convention; and there can be no doubt, his influence was also felt in other instances, though perhaps not in so direct a manner during the long deliberations of that body.

with the letter from the President of the Convention.

"IN CONVENTION, *Sept.* 17, 1787.

"SIR,—We have now the honor to submit to the consideration of the United States, in Congress assembled, that Constitution which has appeared to us the most advisable.

"The friends of our country have long seen and desired, that the power of making war, peace and treaties; that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident. Hence results the necessity for a different organization.

"It is obviously impracticable in the federal government of these states, to secure all the rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty, to preserve the rest. The magnitude of the sacrifice must depend, as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several states, as to their situation, extent, habits, and particular interests.

"In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected, and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

"That it will meet the full and entire approbation of every state, is not perhaps to be expected: but each state will doubtless consider, that had her interests alone been consulted, the consequences might have been particularly disagreeable or injurious to others: that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish. 1787

"With great respect, we have the honor to be, Sir, your Excellency's most obedient and humble Servants.

"GEORGE WASHINGTON,

"*President.*

"By unanimous Order of the Convention.

"HIS EXCELLENCY THE PRESIDENT OF CONGRESS."

We give this important document in full, as contained in the Supplement to the Journal of the Federal Convention.

THE CONSTITUTION OF THE UNITED STATES.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Sect. 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

Sect. 2. The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state, shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have, at least, one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Sect. 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if

vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECT. 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECT. 5. Each house shall be the judge of the elections, returns, and qualifications, of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question, shall, at the request of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECT. 6. The senators and represen-

tatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Sect. 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days, (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Sect. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises:

To pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:

To borrow money on the credit of of the United States:

To regulate commerce with foreign

nations, and among the several states, and with the Indian tribes:

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post offices and post roads:

To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the supreme court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

To declare war, to grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States—reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings:—and,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECT. 9. The migration or importation of such persons as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder, or ex post facto law, shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

Sect. 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Sect. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted.

The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose, by ballot, one of them for president; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear, (or affirm) "that I will faithfully execute the "office of president of the United "States, and will, to the best of my "ability, preserve, protect, and de- "fend the constitution of the United "States."

Sect. 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons

for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

Sect. 3. He shall, from time to time, give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Sect. 4. The president, vice president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Sect. 1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Sect. 2. The judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state, claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall

have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SECT. 3. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECT. 1. Full faith and credit shall be given in each state, to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECT. 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up, on claim of the party to whom such service or labor may be due.

SECT. 3. New states may be admitted by the Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECT. 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary,

shall propose amendments to this constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the 17th day of September, in the year of our Lord 1787, and of the independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President,
And deputy from Virginia.

New Hampshire.
JOHN LANGDON,
NICHOLAS GILMAN,

Massachusetts.
NATHANIEL GORHAM,
RUFUS KING.

Connecticut.
WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

New York.
ALEXANDER HAMILTON.

New Jersey.
WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

Pennsylvania.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

Delaware.
GEORGE READ,
GUNNING BEDFORD, Jun.
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

Maryland.
JAMES M'HENRY,
DANIEL OF ST. THOMAS JENIFER,
DANIEL CARROLL.

Virginia.
JOHN BLAIR,
JAMES MADISON, Jun.

North Carolina.
WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

South Carolina.
JOHN RUTLEDGE,
CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

Georgia.
WILLIAM FEW,
ABRAHAM BALDWIN.

Attest.
WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION.

The first ten of these amendments were proposed to the legislatures of the several states by the first Congress, which assembled at New York, in March, seventeen hundred and eighty-nine; the eleventh article was proposed at the second session of the third Congress; the twelfth article at the first session of the eighth Congress; and the thirteenth in eighteen hundred and sixty-five. Having been ratified according to the provisions of the fifth Article of the Constitution, these Amendments form an integral portion of that great charter of American liberty and law.

ARTICLE I.

CONGRESS shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president, shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president, shall be eligible to that of vice president of the United States.

APPENDIX TO CHAPTER II.

I. HAMILTON'S PLAN OF GOVERNMENT.

1. THE supreme legislative power of the United States of America to be vested in two distinct bodies of men, the one to be called the assembly, the other the senate, who, together, shall form the legislature of the United States, with power to pass all laws whatsoever, subject to the negative hereafter mentioned.

2. The assembly to consist of persons elected by the people, to serve for three years.

3. The senate to consist of persons elected to serve during good behavior; their election to be made by electors chosen for that purpose by the people. In order to this, the states to be divided into election districts. On the death, removal, or resignation of any senator, his place to be filled out of the district from which he came.

4. The supreme executive authority of the United States to be vested in a governor, to be elected to serve during good behavior. His election to be made by electors, chosen by electors, chosen by the people in the election districts aforesaid. His authorities and functions to be as follows:—

To have a negative upon all laws about to be passed, and the execution of all laws passed; to have the entire direction of war, when authorized, or begun; to have, with the advice and approbation of the senate, the power of making all treaties; to have the sole appointment of the heads or chief officers of the departments of finance, war, and foreign affairs; to have the nomination of all other officers, (ambassadors to foreign nations included) subject to the approbation or rejection of the senate; to have the power of pardoning all offences, except treason, which he shall not pardon, without the approbation of the senate.

5. On the death, resignation, or removal of the governor, his authorities to be exercised by the president of the senate, until a successor be appointed.

6. The senate to have the sole power of declaring war; the power of advising and approving all treaties; the power of approving or rejecting all appointments of officers, except the heads or chiefs of the departments of finance, war, and foreign affairs.

7. The supreme judicial authority of the United States to be vested in . . . . . judges, to hold their offices during good behavior, with adequate and permanent salaries. This court to have original jurisdiction in all causes of capture; and an appellative jurisdiction in all causes, in which the revenues of the general government, or the citizens of foreign nations, are concerned.

8. The legislature of the United States to have power to institute courts in each state, for the determination of all matters of general concern.

9. The governors, senators, and all officers of the United States to be liable to impeachment for mal and corrupt conduct; and, upon conviction, to be removed from office, and disqualified for holding any place of trust, or profit. All impeachments to be tried by a court to consist of

the chief, or senior judge of the superior court of law in each state; provided, that such judge hold his place during good behavior, and have a permanent salary.

10. All laws of the particular states, contrary to the constitution or laws of the United States, to be utterly void. And the better to prevent such laws being passed, the governor or president of each state shall be appointed by the general government, and shall have a negative upon the laws about to be passed in the state of which he is governor or president.

11. No state to have any forces, land or naval; and the militia of all the states to be under the sole and exclusive direction of the United States; the officers of which to be appointed and commissioned by them.

The following letter from Hamilton to Pickering, though written some years subsequently, deserves to be read in the present connection:

"New York, *September* 16, 1803.

"My Dear Sir:—I will make no apology for my delay in answering your inquiry some time since made, because I could offer none which would satisfy myself. I pray you only to believe that it proceeded from any thing rather than want of respect or regard. I shall now comply with your request.

"The highest toned propositions, which I made in the convention, were for a president, senate, and judges during good behavior—a House of Representatives for three years. Though I would have enlarged the legislative power of the general government, yet I never contemplated the abolition of the state governments; but, on the contrary, they were, in some particulars, constituent parts of my plan.

"This plan was in my conception conformable with the strict theory of a government purely republican; the essential criteria of which are, that the principal organs of the executive and legislative departments be elected by the people, and hold their offices by a *responsible* and temporary or *defeasible* tenure.

"A vote was taken on the proposition respecting the executive. Five states were in favor of it; among these Virginia; and though from the manner of voting, by delegations, individuals were not distinguished, it was morally certain, from the known situation of the Virginia members, (six in number, two of them, *Mason* and *Randolph*, professing popular doctrines,) that Madison must have concurred in the vote of Virginia. Thus, if I sinned against republicanism, Mr. Madison was not less guilty.

"I may truly then say, that I never proposed either a president or senate for life; and that I neither recommended nor meditated the annihilation of the state governments.

"And I may add, that in the course of the dis cussions in the convention, neither the propositions thrown out for debate, nor even those voted in the earlier stages of deliberation, were considered as evidence of a definitive opinion in the proposer or voter. It appeared to me to be in some sort understood, that with a view to free investigation, experimental propositions might be made, which were to be received merely as suggestions for consideration.

"Accordingly it is a fact, that my final opinion was against an executive during good behavior, on account of the increased danger to the public tranquillity incident to the election of a magistrate of this degree of permanency. In the plan of a constitution which I drew up while the convention was sitting, and which I communicated to Mr. Madison about the close of it, perhaps a day or two after, the office of president has no greater duration than for three years.

"This plan was predicated upon these bases. 1. That the political principles of the people of this country would endure nothing but republican governments. 2. That, in the actual situation of the country, it was in itself right and proper that the republican theory should have a fair and full trial. 3. That to such a trial it was essential that the government should be so constructed as to give it all the energy and stability reconcileable with the principles of that theory.

"These were the genuine sentiments of my heart, and upon them I acted.

"I sincerely hope, that it may not hereafter be discovered, that through want of sufficient attention to the last idea, the experiment of republican government, even in this country, has not been as complete, as satisfactory, and as decisive as could be wished. Very truly, dear sir, your friend and servant, "A. HAMILTON.

"Timothy Pickering, Esq."

II. LIST OF THE MEMBERS OF THE FEDERAL CONVENTION WHICH FORMED THE CONSTITUTION OF THE UNITED STATES.

	ATTENDED
New Hampshire.	
1. JOHN LANGDON,	July 23, 1787.
JOHN PICKERING,	
2. NICHOLAS GILMAN,	July 23, "
BENJAMIN WEST,	
Massachusetts.	
FRANCIS DANA,	
ELBRIDGE GERRY,	May 29, "
3. NATHANIEL GORHAM,	May 28, "
4. RUFUS KING,	May 25, "
CALEB STRONG,	May 28, "
Rhode Island.	
[No appointment.]	
Connecticut.	
5. WILLIAM SAMUEL JOHNSON,	June 2, "
6. ROGER SHERMAN,	May 30, "
OLIVER ELSWORTH,	May 29, "
New York.	
ROBERT YATES,	May 25, "
7. ALEXANDER HAMILTON,	" "
JOHN LANSING,	June 2, "
New Jersey.	
8. WILLIAM LIVINGSTON,	June 5, "
9. DAVID BREARLY,	May 25, "
WILLIAM C. HOUSTON,	" "
10. WILLIAM PATTERSON,	" "
JOHN NEILSON,	
ABRAHAM CLARK,	
11. JONATHAN DAYTON,	June 21, "
Pennsylvania.	
12. BENJAMIN FRANKLIN,	May 28, "
13. THOMAS MIFFLIN,	" "
14. ROBERT MORRIS,	May 25, "
15. GEORGE CLYMER,	May 28, "
16. THOMAS FITZSIMONS,	May 25, "
17. JARED INGERSOLL,	May 28, "
18. JAMES WILSON,	May 25, "
19. GOUVERNEUR MORRIS,	" "
Delaware.	
20. GEORGE READ,	May 25, "
21. GUNNING BEDFORD, Jr.	May 28, "
22. JOHN DICKINSON,	" "
23. RICHARD BASSETT,	May 25, "
24. JACOB BROOM,	" "
Maryland.	
25. JAMES M'HENRY,	May 29, 1787
26. DANIEL OF ST. THOMAS JENIFER,	June 2, "
27. DANIEL CARROLL,	July 9, "
JOHN FRANCIS MERCER,	Aug. 6. "
LUTHER MARTIN,	June 9. "
Virginia.	
28. GEORGE WASHINGTON,	May 25, "
PATRICK HENRY, (declined.)	
EDMUND RANDOLPH,	May 25, "
29. JOHN BLAIR,	" "
30. JAMES MADISON, Jr.,	" "
GEORGE MASON,	" "
GEORGE WYTHE,	" "
JAMES M'CLURG, (in the room of P. Henry)	" "
North Carolina.	
RICHARD CASWELL, (resigned,)	
ALEXANDER MARTIN,	May 25, "
WILLIAM R. DAVIE,	" "
31. WILLIAM BLOUNT, (in the room of R. Caswell)	June 20, "
WILLIE JONES, (declined.)	
32. RICHARD D. SPAIGHT,	May 25, "
33. HUGH WILLIAMSON, (in the room of W. Jones)	" "
South Carolina.	
34. JOHN RUTLEDGE,	May 25, "
35. CHARLES C. PINCKNEY,	" "
36. CHARLES PINCKNEY,	" "
37. PIERCE BUTLER,	" "
Georgia.	
38. WILLIAM FEW,	May 25, "
39. ABRAHAM BALDWIN,	June 11, "
WILLIAM PIERCE,	May 31, "
GEORGE WALTON,	
WILLIAM HOUSTOUN,	June 1, "
NATHANIEL PENDLETON,	

Those with numbers before their names, signed the Constitution,	39
Those in small capitals, never attended,	10
Members who attended, but did not sign the Constitution,	16
	65

CHAPTER III.

1787-1788.

THE ADOPTION OF THE CONSTITUTION.

Congress resolve to submit the new Constitution to the people — Opposition to be expected — Feelings aroused — Marshall's statements respecting the Federalist — Most of the states acted promptly — Position of the parties for and against the adoption — Action in several of the states — Convention of Massachusetts — Constitution advocated and opposed with great force — Amendments proposed — Speech of Fisher Ames — Constitution adopted by a small majority — Amendments recommended — Convention in New Hampshire — The Virginia Convention — Eminent men in it — Patrick Henry's speeches in opposition — Randolph's and Madison's in favor of the adoption of the Constitution — Final action — The Convention of New York — The amendments proposed — Steps taken to secure their passage — North Carolina Convention — Opinions and views of the statesmen and patriots of that day on this subject — Extracts from Franklin's and Washington's letters — Ratification by New Hampshire, being the ninth in order, Congress take the steps necessary for organizing the new government. Appendix to Chapter III. I. Debates in the Virginia Convention. II. Justice Story, on the Origin and Value of the Constitution. III. The Convention and the Constitution.

On the 28th of September, 1787, Congress received the report of the Federal Convention, together with the Draft of the Constitution, and the letter of Washington respecting it. Whereupon, it was "*Resolved*, unanimously, that the said report, with the resolutions and letter accompanying the same, be transmitted to the several legislatures, in order to be submitted to a convention of delegates, chosen in each state, by the people thereof, in conformity to the resolves of Convention, made and provided in that case."

1787.

It was not perhaps to be hoped for, much less to be expected, that the radical changes contemplated in the federal government by the new Constitution, would be adopted without vigorous opposition. Neither the intrinsic merits of the Constitution, nor the great weight of character by which it was advocated and supported, were sufficient to induce its friends to be very sanguine of its success, when presented before the people for their approval. It could not be supposed, for a moment, that the same candid and calm deliberation, the same spirit of concession and mutual forbearance, would prevail among the great body of the citizens, as among their enlightened representatives in the Convention. State pride, state feelings, state interests, as well as state fears and jealousies, would naturally have influence in deciding so important a question. Nor could the minds of a whole community, be easily brought to harmonize, either on the subject of the *organization* of a national government, or with respect to the *powers* proper and necessary to be granted to those who should be entrusted with its administration. Preconceived opinions, long established prejudices, as well as interested views, would, almost certainly, govern the

minds of many, otherwise well meaning, persons among the people.

Of necessity, the Constitution, and the question of its adoption, became immediately the engrossing subject of popular discussion, both public and private. On the one side, it was hailed with joy and satisfaction, as the only source of safety and national existence; on the other, it was viewed with jealous distrust and feelings of hostility; and there were numbers who seemed to think, that the cradle of the Constitution would be the grave of America's liberty. "The friends and enemies of that instrument," as Marshall remarks, "were stimulated to exertion by motives equally powerful; and, during the interval between its publication and adoption, every faculty of the mind was strained to secure its reception or rejection. The press teemed with the productions of temperate reason, of genius, and of passion; and it was apparent, that each party believed power, sovereignty, liberty, peace and security,—things most dear to the human heart, to be staked on the question depending before the public. From that oblivion which is the common destiny of fugitive pieces, treating on subjects which agitate only for the moment, was rescued, by its peculiar merit, a series of essays, which first appeared in the papers of New York. To expose the real circumstances of America, and the dangers which hung over the republic; to detect the numerous misrepresentations of the Constitution; to refute the arguments of its opponents; and to confirm and increase its friends, by a full and able development of its principles; three gentlemen, Colonel Hamilton, Mr. Madison, and Mr. Jay, distinguished for their political experience, their talents, and their love of union, gave to the public, a series of numbers, which, collected in two volumes, under the title of THE FEDERALIST, will be read and admired, when the controversy in which that valuable treatise on government originated, shall be no longer remembered."*

1787.

Most of the states acted promptly upon the recommendation of Congress, and Conventions were called, in 1787 and 1788, to consider and decide upon the adoption or rejection of the Constitution. The importance of the questions at issue, called forth the best talent in the country, and the opposing views were advocated with a fulness, force, and urgency, never surpassed on any occasion in our history. The parties were so evenly balanced in some of the Conventions, that, even after the subject had been thoroughly discussed, it was not possible to conjecture the fate of the Constitution. Small majorities, in a number of instances, were all that could be obtained in favor of the adoption; and there is probably no reason to doubt, that, in some of the states, where the Conventions ratified the Constitution, the majority of the people were in the opposition. The numerous amendments which were proposed, show how reluctantly the new government was accepted; and we may well believe what Chief Justice Marshall says, in solemn sadness, that "the

* Marshall's "*Life of Washington*," vol. ii., p. 127.

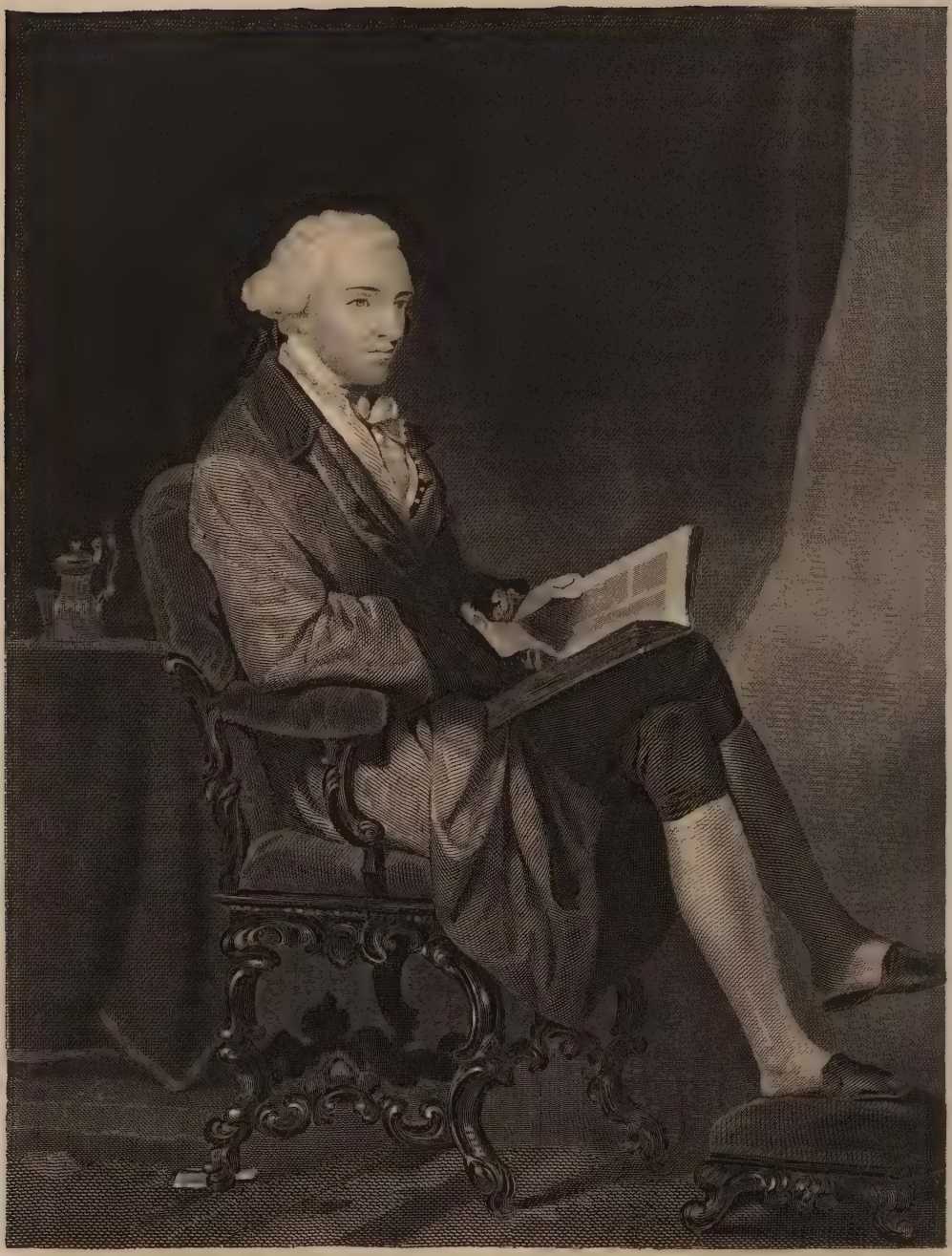
interesting nature of the question, the equality of the parties, the animation produced inevitably by ardent debate, had a necessary tendency to embitter the dispositions of the vanquished, and to fix more deeply, in many bosoms, their prejudices against a plan of government, in opposition to which, all their passions were enlisted." 1788.

The Constitution was adopted unanimously, by the Conventions held in Delaware, New Jersey, and Georgia; and by large majorities in Pennsylvania, Connecticut, Maryland, and South Carolina. Rhode Island refused to call a Convention; and in several of the more important states it was, for a time, a matter of doubt, whether they would assent to the Constitution without previous amendments.* The imminent danger, however, in which the country was placed, without a government, without funds, deeply in debt, treated with contempt abroad and threatened with anarchy at home, compelled men to action, which, under other circumstances, they would not have taken.

In January, 1788, the Convention of Massachusetts held its session and entered upon a careful examination and discussion of the Constitution, paragraph by paragraph. The rank which this state had always enjoyed in the confederacy caused its action to be looked to with extreme solicitude; and it was regarded as certain, that the course which Massachusetts might adopt, would greatly influence New Hampshire and other states which had not yet acted upon this important question. Men of the most distinguished talents were in this Convention, and their exertions were commensurate with the great responsibility resting upon them. Such men as James Bowdoin, Rufus King, Fisher Ames, John Hancock, and others not less eminent, entered upon the work which they had to do, with indefatigable zeal, courage and ability. A whole month the questions were debated; and for a considerable time it was uncertain what might be the result of the Convention.

One of its members, as quoted by Pitkin, thus speaks of the parties in it who opposed the adoption of the Constitution: "Never was there an assembly in this state in possession of greater abilities and information, than the present Convention; yet I am in doubt whether they will approve the Constitution. There are unhappily three parties opposed to it. 1. All men who are in favor of paper money and ten-

* "It may be in me," said Hamilton, in concluding the last number of the Federalist, "a defect of political fortitude, but I acknowledge that I cannot entertain an equal tranquillity with those who affect to treat the dangers of a longer continuance in our present situation as imaginary. A NATION, without a NATIONAL GOVERNMENT, is an awful spectacle. The establishment of a Constitution, in time of profound peace, by the voluntary consent of a whole people, is a *prodigy*, to the completion of which I look forward with trembling anxiety. In so arduous an enterprise, I can reconcile it to no rules of prudence, to let go the hold we now have upon seven out of the thirteen states; and after having passed over so considerable a part of the ground, to recommence the course. I dread the more the consequences of new attempts, because I KNOW that POWERFUL INDIVIDUALS, in this, and in other states, are enemies to a general national government in every possible shape."—*The Federalist*, p. 404.



John Hancock

der laws. These are more or less in every part of the state. 2. All the late insurgents, and their abettors. We have in the Convention eighteen or twenty who were actually in Shays's army. 3. A great majority of the members from the province of Maine. Many of them and their constituents are only *squatters* upon other people's land, and they are afraid of being brought to account. They also think, though erroneously, that their favorite plan of being a separate state, will be defeated. Add to these, the honest doubting people, and they make a powerful host."

John Hancock, on taking his seat as president, having been detained for some time by illness, proposed certain amendments to be subsequently introduced into the Constitution.

The proposition of Hancock gave a new aspect to the question, and the amendments were referred to a committee and reported with some few alterations. The result was, that some of the members, like Samuel Adams, who had before been opposed, now became warm advocates of the Constitution; and the importance and necessity of adopting it, with the proposed amendments, were urged with great force and strength of argument. That eloquent orator, Fisher Ames, in a speech of singular power, pressed upon the attention of the Convention the dangers of delay, and the impending peril which threatened the whole country. "Shall we," he asked, "put every thing to hazard by rejecting this Constitution? We have great advantages by it in respect of navigation; and it is the general interest of the states that we should have them. But if we reject it, what security have we that we shall obtain them a second time against the local interests and prejudices of the other states? Who is there that really loves liberty, that will not tremble for its safety, if the federal government should be dissolved? Can liberty be safe without government? . . . . The union is essential to our being as a nation. The pillars that prop it are crumbling to powder. The union is the vital sap that nourishes the tree. If we reject the Constitution, to use the language of the country, we girdle the tree, its leaves will wither, its branches drop off, and the mouldering trunk will be torn down by the tempest. What security has this single state against foreign enemies? Could we defend the mast country, which the British so much desire? Can we protect our fisheries, or secure by treaties a sale for the produce of our lands in foreign markets? Is there no loss, no danger, by delay? In spite of our negligence and perverseness, are we to enjoy *at all times* the privilege of forming a Constitution, which no other nation has enjoyed at all? We approve our own form of government, and seem to think ourselves in safety under its protection. We talk as if there was no danger of deciding wrong. But when the inundation comes, shall we stand on dry land? The state government is a beautiful structure. It is situated, however, on the naked beach. The union is the dyke to fence out the flood. That dyke is broken and decayed, and

if we do not repair it, when the next spring tide comes, we shall be buried in one common ruin."

The amendments proposed were, in substance, such as were afterwards adopted and added to the Constitution.* On the 6th of February, the question was taken, and the adoption was carried by a vote of 187 to 168. In transmitting to Congress their assent and ratification, they added: "The Convention do, in the name and behalf of the people of this Commonwealth, enjoin it upon their representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of the said alterations and provisions, in such manner as is provided in the said article." 1788.

A Convention met in New Hampshire soon after this decision in Massachusetts; but adjourned, in a few days, until the summer. On the 21st of June, the Constitution was assented to by a majority of eleven only, and substantially in the form and manner set forth by Massachusetts. In addition to the amendments proposed by the latter, the former recommended, that no standing army be kept up in time of peace, unless with the consent of three-fourths of the members of both houses of Congress; that no soldiers in time of peace be quartered in private houses, without the consent of the owners; and that Congress should make no laws touching religion, or infringing the rights of conscience; nor disarm any citizen, unless such as were, or had been, in actual rebellion.

Virginia, New York, and North Carolina, held Conventions during the summer of 1788, and it was in these states that opposition to the adoption of the Constitution was most powerfully and perseveringly made.

The Convention of Virginia met on the 2d of June, and the eminent men of that important state were arranged on opposite sides. Patrick Henry, George Mason, William Grayson, James Monroe, and others, were in the ranks of opposition; and they were met by Mr. Pendleton, Edmund Randolph, Mr. Madison, John Marshall, Mr. Wythe, George Nicholas, and others. The debates as given to the public, though no doubt imperfect, exhibit a display of eloquence and talents, certainly, at that time, unequalled in deliberative bodies in America. Patrick Henry, with that fervor of zeal in behalf of the cause he adopted, spoke frequently, and warmly, in condemnation of the proposed Constitution; and he brought into play all his persuasive powers to prevent its adoption. As a matter, historically of deep interest to us who are living under the blessings and advantages of the Constitution of our common country, we give several extracts from Mr. Henry's remarks in the Convention. They may be read with profit by every American, and may have the effect of leading us to moderate excess of zeal in questions 1788

* The student will find these amendments in the Supplement to the "*Journal of the Federal Convention*," pp. 401–404.

much disputed in the United States, under the example afforded us of how far wrong even a man like Patrick Henry proved to be with regard to the actual working of the Constitution.*

"This proposal," said the eloquent Virginian, "of altering our federal government, is of a most alarming nature: make the best of this new government; say it is composed by any thing but inspiration; you ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this Convention, to have a faithful historical detail of the facts, that preceded the session of the Federal Convention, and the reasons that actuated its members, in proposing an entire alteration of government, and to demonstrate the dangers that awaited us. If they were of such awful magnitude, as to warrant a proposal so extremely perilous as this, I must assert, that this Convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late Federal Convention. I am sure they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government, is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand, what right had they to say, 'We, the People?' My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who authorized them to speak the language of, 'We, the People,' instead of We, the States? States are the characteristics, and the soul of a confederation. If the states be not the agents of this compact, it must be one great consolidated national government of the people of all the states. I have the highest respect for those gentlemen, who formed the Convention; and were some of them not here, I would express some testimonial of esteem for them. America had on a former occasion, put the utmost confidence in them; a confidence which was well placed; and I am sure, sir, I would give up any thing to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct; that liberty which he has given us by his valor, tells me to ask this reason, and sure I am, were he here, he would give us that reason:

* Mr. Wirt gives a summing up of Henry's objections to the new Constitution, in his "*Life of Patrick Henry*," pp. 299–306.

but there are other gentlemen here, who can give us this information. The people gave them no power to use their name. That they exceeded their power, is perfectly clear. It is not mere curiosity that actuates me; I wish to hear the real, actual, existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no dangers, no insurrection or tumult, has happened; every thing has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of human affairs. I see no land-mark to guide us. We are running, we know not whither. Difference in opinion has gone to a degree of inflammatory resentment, in different parts of the country, which has been occasioned by this perilous innovation. The Federal Convention ought to have amended the old system; for this purpose, they were solely delegated: the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member, to know what danger could have arisen under the present Confederation, and what are the causes of this proposal, to change our government."

The next day, Mr. Henry further remarked: "This Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints towards monarchy; and does not this raise indignation in the breast of every true American? Your president may easily become king. Your senate is so imperfectly constructed, that your dearest rights may be sacrificed by what may be a small minority: and a very small minority may continue forever unchangeably this government, although horridly defective. Where are your checks in this government? Your strong-holds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction, puts it in their power to perpetrate the worst of mischiefs, should they be bad men. And, sir, would not all the world, from the eastern to the western hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or bad? Show me that age and country where the rights and liberties of the people were placed on the chance of their rulers being good men, without a consequent loss of liberty. I say that the loss of that dearest privilege has ever followed with absolute certainty, every such mad attempt. If your American chief be a man of ambition and abilities, how easy will it be for him to render himself absolute! The army is in his hands, and, if he be a man of address, it will be attached to him; and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design. And, sir, will the American spirit solely relieve you when this happens? I would rather infinitely, and I am sure most of this Convention are of the same opinion, have a king, lords, and commons, than

1788.

a government, so replete with such insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them: but the president in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I cannot, with patience, think of this idea. If ever he violates the laws, one of two things will happen: he will come at the head of his army to carry every thing before him; or, he will give bail, or do what Mr. Chief Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of every thing, and being ignominiously tried and punished, powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not, at the head of his army, beat down every opposition? Away with your president; we shall have a king: the army will salute him monarch; your militia will leave you, and assist in making him king, and fight against you: and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?" . . . . .

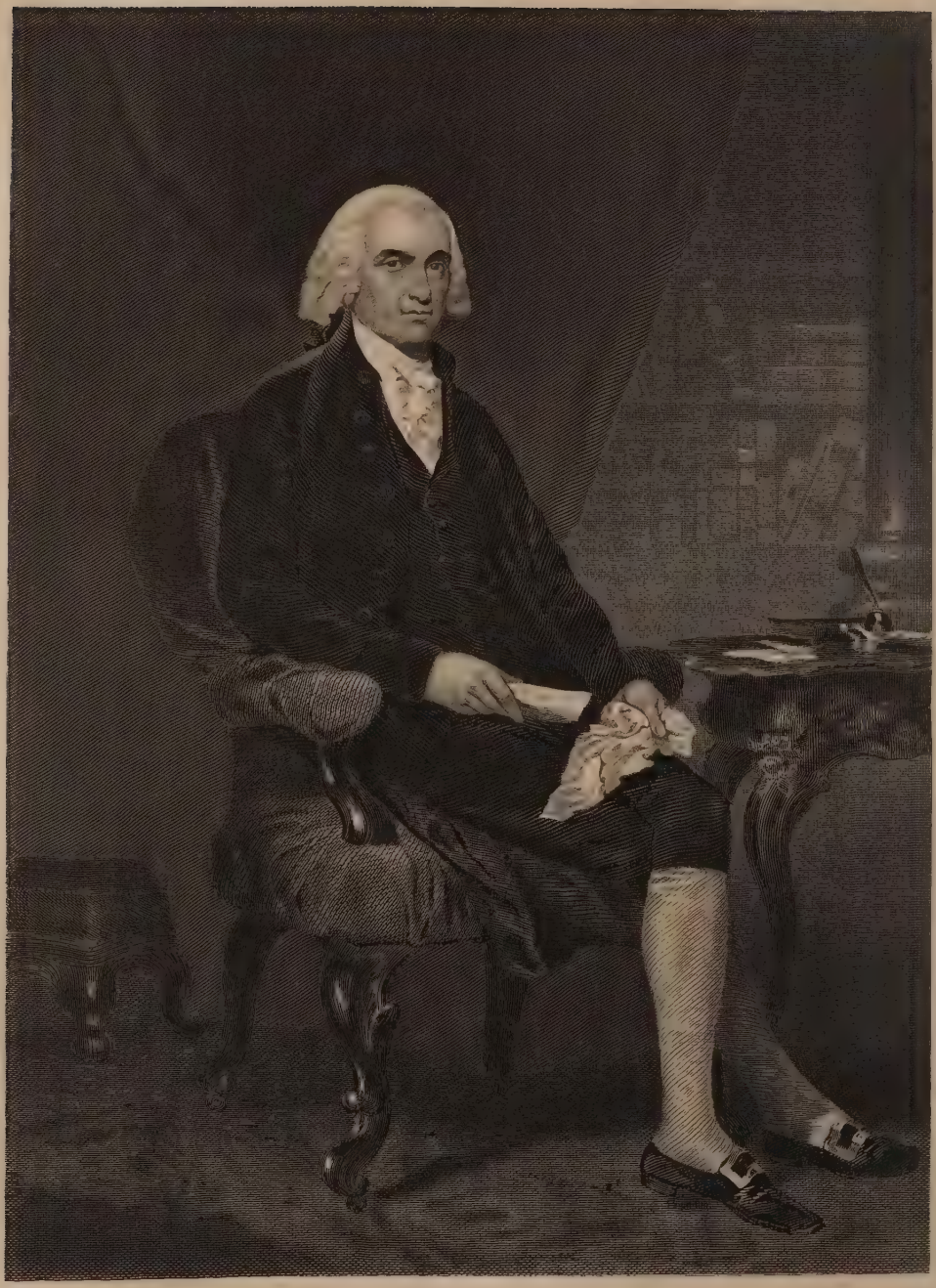
"We are told that this government, collectively taken, is without an example; that it is national in this part, and federal in that part, etc. We may be amused, if we please, by a treatise of political anatomy. In the brain it is national: the *stamina* are federal—some limbs are federal, others national. The senators are voted for by the state legislatures; so far it is federal. Individuals choose the members of the first branch; here it is national. It is federal in conferring general powers, but national in retaining them. It is not to be supported by the states—the pockets of individuals are to be searched for its maintenance. What signifies it to me, that you have the most curious anatomical description of it in its creation? To all the common purposes of legislation it is a great consolidation of government. You are not to have the right to legislate in any but trivial cases: you are not to touch private contracts: you are not to have the right of having arms in your own defence: you cannot be trusted with dealing out justice between man and man. What shall the states have to do?—Take care of the poor, repair and make highways, erect bridges, and so on and so on. Abolish the state legislatures at once. What purposes should they be continued for? Our legislature will indeed be a ludicrous spectacle—one hundred and eighty men marching in solemn, farcical procession, exhibiting a mournful proof of the lost liberty of their country, without the power of restoring it. But, sir, we have the consolation, that it is a mixed government; that is, it may work sorely on your neck, but you will have some comfort by saying, that it was a federal government in its origin."

When the question of ratification came up, June 24th, Mr. Henry again spoke on the subject: "Have gentle-

men no respect to the actual dispositions of the people in the adopting states? Look at Pennsylvania and Massachusetts. These two great states have raised as great objections to that government as we do. There was a majority of only nineteen in Massachusetts. We are told that only ten thousand were represented in Pennsylvania, although seventy thousand had a right to be represented. Is not this a serious thing? Is it not worth while to turn your eyes for a moment from subsequent amendments, to the situation of your country? Can you have a lasting union in these circumstances? It will be in vain to expect it. But if you agree to previous amendments, you shall have union, firm and solid. I cannot conclude without saying, that I shall have nothing to do with it, if subsequent amendments be determined upon. Oppressions will be carried on as radically by the majority, when adjustments and accommodations will be held up. I say, I conceive it my duty, if this government is adopted before it is amended, to go home. I shall act as I think my duty requires. Every other gentleman will do the same. Previous amendments, in my opinion, are necessary to procure peace and tranquillity. I fear, if they be not agreed to, every movement and operation of government will cease, and how long that baneful thing, civil discord, will stay from this country, God only knows. When men are free from restraint, how long will you suspend their fury? The interval between this and bloodshed, is but a moment. The licentious and wicked of the community, will seize with avidity every thing you hold. In this unhappy situation, what is to be done? It surpasses my stock of wisdom. If you will, in the language of freemen, stipulate that there are rights which no man under heaven can take from you, you shall have me going along with you, and not otherwise."*

Mr. Randolph, in a very forcible speech, controverted the views of Patrick Henry, concluding in these words: "I have labored for the continuance of the Union—the rock of our salvation. I believe, that, as sure as there is a God in Heaven, our safety, our political happiness and existence, depend on the Union of the states; and, that without this Union, the people of this and the other states, will undergo the unspeakable calamities, which discord, faction, turbulence, war, and bloodshed, have produced in other countries. The American spirit ought to be mixed with American pride—pride to see the Union magnificently triumph. Let that glorious pride, which once defied the British thunder, reanimate you again. Let it not be recorded of Americans,

* Henry, finding himself likely to be overpowered, despite his surpassing eloquence, expressed his sentiments at the close of the debate in the following manly terms: "If I shall be in the minority, I shall have those painful sensations which arise from a conviction of being overpowered in a good cause. Yet I will be a peaceable citizen! My head, my hand, and my heart, shall be at liberty to retrieve the loss of liberty, and remove the defects of that system in a *constitutional way*. I wish not to go to violence, but will wait with hopes that the spirit which predominated in the Revolution, is not yet gone, nor the cause of those who are attached to the Revolution yet lost. I shall therefore patiently wait, in expectation of seeing that government changed, so as to be compatible with the safety, liberty, and happiness of the people."



James Madison

that, after having performed the most gallant exploits, after having overcome the most astonishing difficulties, and after having gained the admiration of the world by their incomparable valor and policy, they lost their acquired reputation, their national consequence and happiness, by their own indiscretion. Let no future historian inform posterity, that they wanted wisdom and virtue, to concur in any regular, efficient government. Should any writer, doomed to so disagreeable a task, feel the indignation of an honest historian, he would reprehend and recriminate our folly, with equal severity and justice. Catch the present moment, seize it with avidity and eagerness, for it may be lost, never to be regained. If the Union be now lost, I fear it will remain so forever. I believe gentlemen are sincere in their opposition, and actuated by pure motives: but when I maturely weigh the advantages of the Union, and dreadful consequences of its dissolution; when I see safety on my right, and destruction on my left; when I behold respectability and happiness acquired by the one, but annihilated by the other; I cannot hesitate to decide in favor of the former. I hope my weakness, from speaking so long, will apologize for my leaving this subject in so mutilated a condition. If a further explanation be desired, I shall take the liberty to enter into it more fully another time."

James Madison was, however, the most powerful advocate for the adoption of the Constitution. Mr. Wythe having moved that the Convention do ratify the Constitution, recommending the Congress to make certain amendments, Madison was convinced that the fate of the system he had been so instrumental in forming, depended on the question then to be decided. He was too well acquainted with the difficulties in the general convention, to believe that the states could ever unite in the various amendments which would be proposed.

1788.

"Nothing has excited more admiration in the world," said Mr. Madison, "than the manner in which free governments have been established in America. For it was the first instance from the creation of the world to the American Revolution, that free inhabitants have been seen deliberating on a form of government, and selecting such of their citizens as possessed their confidence, to determine upon, and give effect to it. But why has this excited so much wonder and applause? Because it is of so much magnitude, and because it is liable to be frustrated by so many accidents. If it has excited so much wonder, that the United States have in the middle of war and confusion, formed free systems of government, how much more astonishment and admiration will be excited, should they be able, peaceably, freely, and satisfactorily, to establish one general government, when there is such a diversity of opinions and interests, when not cemented or stimulated by any common danger? How vast must be the difficulty of concentrating in one government the interests, and conciliating the opinions of so many different heterogeneous bodies? How have the confederacies of ancient and modern

1788.

times been formed? As far as ancient history describes the former to us, they were brought about by the wisdom of some eminent sage. How was the imperfect union of the Swiss Cantons formed? By danger. How was the confederacy of the United Netherlands formed? By the same. They were surrounded by dangers. By these and one influential character, they were stimulated to unite. How was the Germanic system formed? By danger, in some degree, but principally by the overruling influence of individuals. When we consider this government, we ought to make great allowances. We must calculate the impossibility that every state should be gratified in its wishes, and much less that every individual should receive this gratification. It has never been denied by the friends of the paper on the table, that it has its defects. But they do not think that it contains any real danger. They conceive that they will in all probability be removed when experience will show it to be necessary. I beg that gentlemen deliberating on this subject, would consider the alternative. Either nine states will have ratified it or they will not. If nine states will adopt it, can it be reasonably presumed or required, that nine states having freely and fully considered the subject, and come to an affirmative decision, will upon the demand of a single state, agree that they acted wrong, and could not see its defects—tread back the steps which they have taken, and come forward and reduce it to uncertainty, whether a general system shall be adopted or not? Virginia has always heretofore spoken the language of respect to the other states, and she has always been attended to. Will it be that language, to call on a majority of the states to acknowledge that they have done wrong? Is it the language of confidence to say, that we do not believe that amendments for the preservation of the common liberty and general interest of the states, will be consented to by them? 1788. This is neither the language of confidence nor respect. Virginia, when she speaks respectfully, will be as much attended to as she has hitherto been, when speaking this language. It is a most awful thing that depends on our decision—no less than whether the thirteen states shall unite freely, peaceably, and unanimously, for the security of their common happiness and liberty, or whether every thing is to be put in confusion and disorder! Are we to embark in this dangerous enterprise, uniting various opinions to contrary interests, with the vain hopes of coming to an amicable concurrence?

"It is worthy of our consideration, that those who prepared the paper on the table, found *difficulties not to be described, in its formation:* mutual deference and concession were absolutely necessary. Had they been inflexibly tenacious of their individual opinions, they would never have concurred. Under what circumstances was it formed? When no party was formed, or particular proposition made, and men's minds were calm and dispassionate. Yet, under these circumstances, it was difficult, extremely difficult, to agree to any general system.

"Suppose eight states only should ratify it, and Virginia should propose certain alterations, as the previous condition of her accession. If they should be disposed to accede to her proposition, which is the most favorable conclusion, the difficulty attending it would be immense. Every state, which has decided it, must take up the subject again. They must not only have the mortification of acknowledging that they have done wrong, but the difficulty of having a reconsideration of it among the people, and appointing new conventions to deliberate upon it. They must attend to all the amendments, which may be dictated by as great a diversity of political opinions, as there are local attachments. When brought together in one assembly they must go through, and accede to every one of the amendments. The gentlemen who, within this house, have thought proper to propose previous amendments, have brought no less than forty amendments —a bill of rights which contains twenty amendments, and twenty other alterations, some of which are improper and inadmissible. Will not every state think herself equally entitled to propose as many amendments? And suppose them to be contradictory. I leave it to this Convention, whether it be probable that they can agree, or agree to any thing but the plan on the table; or whether greater difficulties will not be encountered, than were experienced in the progress of the formation of this Constitution."

1788.

The motion of Mr. Wythe prevailed by a majority of eight, eighty-eight to eighty. After some forcible preliminary remarks, the Convention added, "With these impressions, with a solemn appeal to the Searcher of hearts, for the purity of our intentions, and under the conviction that whatsoever imperfections may exist in the Constitution, ought rather to be examined in the mode prescribed therein, than to bring the Union into danger, by a delay with a hope of obtaining amendments previous to the ratification,—we, the delegates, do assent to and ratify the Constitution," etc.

The Convention, at the same time, agreed upon a bill of rights, consisting of twenty articles, and the same number of amendments to the body of the Constitution. The most important of the latter were—that Congress should not lay direct taxes, until the states had refused them—that members of the Senate and House should be incapable of holding *any civil office* under the authority of the United States —that no commercial treaty should be ratified without the concurrence of *two-thirds* of the whole number of the members of the Senate, and that no treaty ceding or suspending the territorial rights or claims of the United States, or any of them, or their rights to fishing in the American seas, or navigating the American rivers, should be but in cases of the most extreme necessity, nor should any such treaty be ratified without the concurrence of *three-fourths* of the whole number of the members of both houses—that no navigation law, or law regulating commerce should be passed, without the consent of two-thirds of

1788.

the members present in both houses; that no person be capable of being president of the United States for more than eight years in any term of sixteen years; that the judicial power of the United States, should extend to no case, where the cause of action originated before the ratification of the Constitution; except in disputes between persons claiming lands under grants of different states, and suits for debts due to the United States; that Congress should not alter, modify, or interfere in the times, places, or manner of holding elections for Senators or Representatives, or either of them, except when the legislature of any state should neglect, refuse, or be disabled by invasion or rebellion to prescribe the same; that the clauses which declare that Congress should not exercise certain powers, be not interpreted to extend their powers; but be construed as making exceptions to the specified powers, or inserted merely for greater caution; that the laws ascertaining the compensations of the members be postponed in their operation, until after the election of representatives immediately succeeding the passage of the same; that some tribunal other than the Senate, be provided to try impeachment of Senators. The Convention enjoined it upon their representatives in the first Congress to exert all their influence to obtain a ratification of these amendments in the manner provided by the Constitution;* and in all Congressional acts to conform, as far as practicable, to the spirit of them.

The Convention of New York met on the 17th of June, and entered earnestly upon the work for which they had assembled: Mr. Jay, Mr. Hamilton, and Chancellor Livingston, were the ablest advocates for the adoption of the Constitution: the opposition was, however, sustained by Governor Clinton, Mr. Yates, Mr. Lansing, Mr. Duane, and others; and there is little room to doubt, that the strength of popular feeling was against the adoption. The result of the Virginia Convention disappointed the opponents of the Constitution. Ten states had now assented to it, and it was certain to go into operation. New York, therefore, had no alternative, but to unite with her sister states, or secede from the Union. Under the earnest advocacy of Hamilton, and his coadjutors, a small majority was obtained, and the Convention followed the example of Virginia, by adopting the Constitution, and recommending amendments. These amendments were more numerous, as well as more radical, than those of any other state. In addition to most of the Massachusetts amendments, New York proposed, among others of less importance, that no persons, except natural born citizens, or such as were citizens on or before the 4th of July, 1776, or held commissions under the United States during the war, and had, since July 4th, 1776, become citizens of some one of the states, should be eligible to the places of president, vice-president, or members of Congress; that no standing army be

1788.

* See Pitkin's "*Political and Civil History of the United States*," vol. ii., pp. 280, 281. For an extract from J. Q. Adams's "*Life of James Madison*," pp. 46-48, see Appendix I. at the end of the present chapter.

kept up in time of peace, without the assent of two-thirds of both Houses; that Congress should not declare war without the same majority; that the privilege of the writ of habeas corpus should not be suspended for a longer term than six months; that no capitation tax should ever be laid; that no person be eligible, as a Senator, for more than six years, in any term of twelve years, and that the state legislatures might recall their Senators; that no member of Congress be appointed to any office under the authority of the United States; that the power of Congress to pass laws of bankruptcy, should only extend to merchants and other traders; that no person be eligible to the office of president a third time; that the president should not command an army in the field without the previous desire of Congress; that Congress should not constitute any tribunals or inferior courts, with any other than appellate jurisdiction, except in causes of admiralty and maritime jurisdiction, and for the trial of piracies and felonies committed on the high seas; and in all other cases, to which the judicial power of the United States extended, and in which the supreme court had not original jurisdiction, the causes should be heard in the state courts, with right of appeal to the supreme or other courts of the United States; that the court for the trial of impeachments, should consist of the Senate, the judges of the supreme court of the United Sates, and the senior judge of the highest court in each state; that persons aggrieved by any judgment of the supreme court in any case in which that court had original jurisdiction, should be entitled to a review of the same, by commissioners not exceeding seven, to be appointed by the President and Senate; that the judicial power should extend to no controversies respecting land, unless relating to claims of territory or jurisdiction between states, or between individuals, or between states and individuals under grants of different states; that the militia should not be compelled to serve without the limits of the state for a longer term than six weeks, without the consent of the legislature thereof; and that Congress should not impose any excise upon any article, ardent spirits excepted, of the growth, production or manufacture of the United States, or any of them.

1788.

The New York Convention, in order to secure these amendments, addressed a circular letter to the governors of all the states, asking for the calling of another Federal Convention. Referring to the new system, they observed, "several articles in it appear so exceptionable to a majority of us, that nothing but the fullest confidence of obtaining a revision of them by a general convention, and an invincible reluctance to separating from our sister states, have prevailed upon a sufficient number of us, to ratify it, without stipulating for previous amendments."

The Convention of North Carolina held its session at the same time with that of New York. On the first of August, they refused to assent to the Constitution without previous amendments. In the latter part of the following year, however, after Washing-

ton had been president for some time, North Carolina, on the 21st of November, 1789, ratified and adopted the Constitution.*

To the student of American history, it will prove both interesting and profitable, to examine with care the opinions and views of the great statesmen and patriots of that day, respecting the Constitution and its probable future. Pitkin gives several extracts from the correspondence of Jefferson, Adams, and Roger Sherman, which will well repay looking into. Hamilton's and Madison's views are widely known;† and Mr. Curtis furnishes an admirable *résumé* of the sentiments and course of others of the more distinguished members of the Federal Convention, such as Franklin, Gouverneur Morris, Rufus King, C. C. Pinckney, Wilson, Randolph, etc. No one of these was entirely satisfied with each and every part of the Constitution; but they were all convinced, that it not only required, but was well worth the concessions and the compromises which they were called upon to make, in the process of forming the Constitution.*

Franklin, in a short speech at the close of the Convention, had said: "I consent to this Constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its *errors* I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die."† Writing to some of his French friends, he entered a little into particulars, thus:—"It is very possible, as you suppose, that all the articles of the proposed new government will not remain unchanged after the first meeting of the Congress. I am of opinion with you, that the *two* chambers were not necessary, and I disliked some other articles that are in, and wished for some that are not in the proposed plan; I nevertheless hope it may be adopted." "Our public affairs begin to wear a more quiet aspect. The disputes about the faults of the new Constitution are subsided. The first Congress will probably mend the principal ones, and future Congresses the rest. That which you mentioned did not pass unnoticed in the Convention. Many, if I remember right, were for making the president incapable of being chosen after the first four years; but the majority were for leaving the electors free to choose whom

1788.

* For convenience of reference, we subjoin the dates of the Ratification of the Constitution, by the thirteen original states:—Delaware, December 7th, 1787; Pennsylvania, December 12th, 1787; New Jersey, December 18th, 1787; Georgia, January 2d, 1788; Connecticut, January 9th, 1788; Massachusetts, February 6th, 1788; Maryland, April 28th, 1788; South Carolina, May 23d, 1788; New Hampshire, June 21st, 1788; Virginia, June 26th, 1788; New York, July 26th, 1788; North Carolina, November 21st, 1789; Rhode Island, May 29th, 1790.

† Mr. Curtis gives a very valuable letter of Madison's, hitherto unpublished, under date of December 10th, 1788, addressed to Philip Mazzei, at Paris. It is plain from this letter, that Madison clearly saw the necessity of rendering the federal government strong enough to perform its functions promptly and effectually.

* For some remarks of Justice Story on the Origin and Value of the Constitution, in his "*Exposition of the Constitution*," pp. 35, 36, see Appendix II., at the end of the present chapter.

† Sparks's "*Life of Franklin*," p. 518.

they pleased; and it was alleged that such incapacity might tend to make the president less attentive to the duties of his office, and to the interests of the people, than he would be, if a second choice depended on their good opinion of him. We are *making experiments* in politics; what knowledge we shall gain by them will be more certain, though perhaps we may hazard too much in *that* mode of acquiring it." And in a letter to Charles Carroll, a member of the first Congress, he said: —"If any form of government is capable of making a nation happy, ours, I think, bids fair now for producing that effect. But, after all, much depends upon the people who are to be governed. We have been guarding against an evil that old states are most liable to, *excess of power* in the rulers; but our present danger seems to be *defect of obedience* in the subjects. There is hope, however from the enlightened state of this age and country, we may guard effectually against that evil as well as the rest."*

The sentiments of Washington, as gathered from his correspondence, were marked by his usual wisdom, mingled with great hopefulness as to the ultimate result. Writing to Patrick Henry, he said: Your own judgment will at once discern the good and the exceptionable parts of it; and your experience of the difficulties which have ever arisen, when attempts have been made to reconcile such a variety of interests and local prejudices as pervade the several states, will render explanation unnecessary. I wish the Constitution which is offered, had been more perfect; but I sincerely believe it is the best that could be obtained at this time. And, as a constitutional door is opened for amendments hereafter, the adoption of it under the present circumstances of the Union is, in my opinion, desirable." "Should it be adopted," he said to the Marquis de Chastelleux, "and I think it will be, America will lift up her head again, and in a few years become respectable among the nations." **1788.** To others he wrote;—"There are some things in the new form, which never did, and I am persuaded never will, obtain my cordial approbation; but I did then conceive, and do now most firmly believe, that in the aggregate, it is the best Constitution that can be obtained at this epoch; and that this or a dissolution awaits our choice, and is the only alternative." To Lafayette he expressed himself with the frankness and earnestness which characterized his intercourse with that beloved companion in arms: "I expect that many blessings will be attributed to our new government, which are now taking their rise from that industry

* Jefferson, in a letter to Adams, wrote: "How do you like our new Constitution? I confess there are things in it which stagger all my dispositions to subscribe to what such an assembly has proposed. The House of Federal Representatives will not be adequate to the management of affairs, either foreign or federal. Their president seems a bad edition of a Polish king. He may be elected from four years to four years for life. Reason and experience prove to us, that a chief magistrate, so continuable, is an office for life," etc. It may be worth noting, that Jefferson's views changed entirely as to this latter point, seeing that he himself did not object to serve a second term as president of the United States. See Tucker's "*Life of Jefferson*," vol. i., pp 252–56.

and frugality, into the practice of which the people have been forced from necessity. I really believe, that there never was so much labor and economy to be found before in the country as at the present moment. If they persist in the habits they are acquiring, the good effects will soon be distinguishable. When the people shall find themselves secure under an energetic government, when foreign nations shall be disposed to give us equal advantages in commerce from dread of retaliation, when the burdens of war shall be in a manner done away by the sale of western lands, when the seeds of happiness which are sown here, shall begin to expand themselves, and when every one under his own vine and fig-tree, shall begin to taste the fruits of freedom, then all these blessings (for all these blessings will come) will be referred to the fostering influence of the new government. Whereas many causes will have conspired to produce them. You see I am not less enthusiastic than I ever have been, if a belief that peculiar scenes of felicity are reserved for this country is to be denominated enthusiasm. Indeed, I do not believe that Providence has done so much for nothing.* It has always been my creed, that we should not be left as a monument to prove, 'that mankind, under the most favorable circumstances for civil liberty and happiness, are unequal to the task of governing themselves, and therefore made for a master.'"

The ratification of the Constitution by the state of New Hampshire, was the ninth in order, and it was laid before Congress on the 2d of July, 1788. On motion, it was therefore ordered, "That the ratifications of the Constitution of the United States, transmitted to Congress, be referred to a committee, to examine the same, and report an act to Congress, for putting the said Constitution into operation, in pursuance of the resolutions of the late Federal Convention." The committee reported, on the 14th of July, an act for putting the Constitution into operation, which, principally in consequence of a division as to the place where the first Congress should meet, did not pass without much discussion. On the 13th of September, it was "*Resolved*, That the first Wednesday in January next, be the day for appointing electors in the several states, which, before the said day, shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the electors to assemble in their respective states, and vote for a president; and that the first Wednesday in March next, be the time, and the present seat of Congress* the place, for commencing proceedings under the said Constitution." 1788.

* For some philosophical and eloquent remarks of John Quincy Adams on the Federal Convention, and also what may still be termed defects in the Constitution, see an extract from his elaborate Discourse before the New York Historical Society, April 30th, 1839, entitled "The Jubilee of the Constitution;" Appendix III., at the end of the present chapter.

* Congress had removed to New York early in January, 1785, where it continued to hold its sessions until 1790.

APPENDIX TO CHAPTER III.

I. DEBATES IN THE VIRGINIA CONVENTION.

A DEEPER interest was involved in the decision of Virginia, than in that of any other member of the Confederacy, and in no State had the opposition to the plan been so deep, so extensive, so formidable as there. Two of her citizens, second only to Washington by the weight of their characters, the splendor of their public services, and the reputation of their genius and talents, Patrick Henry, the first herald of the Revolution in the South, as James Otis had been at the North, and Thomas Jefferson, the author of the Declaration of Independence, and the most intimate and confidential friend of Madison himself, disapproved the Constitution. Jefferson was indeed at that time absent from the State and the country, as the representative of the United States at the Court of France. His objections to the Constitution were less fervent and radical. Patrick Henry's opposition was to the whole plan, and to its fundamental principle, the change from a Confederation of Independent States, to a complicated government, partly federal, and partly national. He was a member of the Virginia Convention; and there it was that Mr. Madison was destined to meet and encounter, and overcome the all but irresistible power of his eloquence, and the inexhaustible resources of his gigantic mind.

The debates in the Virginia Convention furnish an exposition of the principles of the Constitution, and a commentary upon its provisions not inferior to the papers of the Federalist. Patrick Henry pursued his hostility to the system into all its details; objecting not only to the Preamble and the first Article, but to the Senate, to the President, to the Judicial Power, to the treaty making power, to the control given to Congress over the militia, and especially to the omission of a Bill of Rights—seconded and sustained with great ability by George Mason, who had been a member of the Convention which formed the Constitution, by James Monroe and William Grayson, there was not a controvertible point, real or imaginary, in the whole instrument which escaped their embittered opposition; while upon every point Mr. Madison was prepared to meet them, with cogent argument, with intent and anxious feeling, and with mild, conciliatory gentleness of temper, disarming the adversary by the very act of seeming to decline contention with him. Mr. Madison devoted himself particularly to the task of answering and replying to the objections of Patrick Henry, following him step by step, and meeting him at every turn. His principal coadjutors were Governor Randolph, Edmund Pendleton, the President of the Convention, John Marshall, George Nicholas, and Henry Lee of Westmoreland. Never was there assembled in Virginia a body of men, of more surpassing talent, of bolder energy, or of purer integrity than in that Convention. The volume of their debates should be the pocket and the pillow companion of every youthful American aspiring to the honor of rendering important service to his country; and there, as he reads and meditates, will he not fail to perceive the steady, unfaltering mind of James Madison, marching from victory to victory, over the dazzling but then beclouded genius and eloquence of Patrick Henry.

The result was the unconditional ratification, by a majority of only eight votes, of the Constitution of the United States on the part of the Commonwealth of Virginia, together with resolutions, recommending sundry amendments to supply the omission of a Bill of Rights. The example for this had been first set by the Convention of Massachusetts, at the motion of John Hancock, and it was followed by several other of the State Conventions, and gave occasion to the first ten Articles, amendatory of the Constitution, prepared by the first Congress of the United States and ratified by the competent number of the State Legislatures, and which supply the place of a Bill of Rights.

II. STORY ON THE CONSTITUTION.

Thus was achieved another, and still more glorious, triumph, in the cause of liberty, even than that, by which we were separated from the parent country. It was not achieved, however, without great difficulties and sacrifices of opinion. It required all the wisdom, the patriotism, and the genius of our best statesmen, to overcome the objections, which, from various causes, were arrayed against it. The history of those times is full of melancholy instruction, at once to admonish us of the dangers, through which we have passed, and of the necessity of incessant vigilance, to guard and preserve, what has been thus hardly earned. The Constitution was adopted unanimously in New Jersey, Delaware, and Georgia. It was supported by large majorities in Connecticut, Pennsylvania, Maryland, and South Carolina. In the remaining states, it was carried by small majorities; and especially in Massachusetts, New York, and Virginia, by little more than a mere preponderating vote. What a humiliating lesson is this, after all our sufferings and sacrifices, and after our long and sad experience of the evils of disunited councils, and of the pernicious influence of state jealousies, and local interests! It teaches us, how slowly even adversity brings the mind to a due sense of what political wisdom requires. It teaches us, how liberty itself may be lost, when men are found ready to hazard its permanent blessings, rather than submit to the wholesome restraints, which its permanent security demands.

To those great men, who thus framed the Constitution, and secured the adoption of it, we owe a debt of gratitude, which can scarcely be repaid. It was not then, as it is now, looked upon, from the blessings, which, under the guidance of Divine Providence, it has bestowed, with general favor and affection. On the contrary, many of those pure and disinterested patriots, who stood forth, the firm advocates of its principles, did so at the expense of their existing popularity. They felt, that they had a higher duty to perform, than to flatter the prejudices of the people, or to subserve selfish, or sectional, or local interests. Many of them went to their graves, without the soothing consolation, that their services and their sacrifices were duly appreciated. They scorned every attempt to rise to power and influence by the common arts of demagogues; and they were content to trust their characters, and their conduct, to the deliberate judgment of posterity.

If, upon a close survey of their labors, as developed in the actual structure of the Constitution, we shall have reason to admire their wisdom and forecast, to observe their profound love of liberty, and to trace their deep sense of the value of political responsibility, and their anxiety, above all things, to give perpetuity, as well as energy to the republican institutions of their country; then, indeed, will our gratitude kindle into a holier reverence, and their memories will be cherished among those of the noblest benefactors of mankind.

III. THE CONVENTION AND THE CONSTITUTION.

The Constitution of the United States was the work of this Convention. But in its construction the Convention immediately perceived that they must retrace their steps, and fall back from a league of friendship between sovereign states, to the constituent sovereignty of *the people;* from *power* to *right*—from the irresponsible despotism of state sovereignty, to the self-evident truths of the Declaration of Independence. In that instrument, the right to institute and to alter governments among men was ascribed exclusively to *the people*—the ends of government were declared to be to *secure* the natural rights of man; and that *when* the government degenerates from the promotion to the destruction of that end, the right and the duty accrues to the people, to dissolve this degenerate government and to institute another. The Signers of the Declaration further averred, that the one people of the *United Colonies* were then precisely in that situation—with a government degenerated into tyranny, and called upon by the laws of nature and of nature's God, to dissolve that government and to institute another. Then in the name and by the authority of the good people of the Colonies, they pronounced the dissolution of their allegiance to the king, and their eternal separation from the nation of Great Britain—and declared the United Colonies independent states. And here as the representatives of the one people they had stopped. They did not require the confirmation of this Act, for the power to make the Declaration had already been conferred upon them by the people;

delegating the power, indeed, separately in the separate colonies, not by colonial authority, but by the spontaneous revolutionary movement of the people in them all.

From the day of that Declaration, the constituent power of the people had never been called into action. A confederacy had been substituted in the place of a government; and state sovereignty had usurped the constituent sovereignty of the people.

The Convention assembled at Philadelphia had themselves no direct authority from the people. Their authority was all derived from the state legislatures. But they had the articles of confederation before them, and they saw and felt the wretched condition into which they had brought the whole people, and that the Union itself was in the agonies of death. They soon perceived that the indispensably needed powers were such as no state government, no combination of them, was, by the principles of the Declaration of Independence, competent to bestow. They could emanate only from the people. A highly respectable portion of the assembly, still clinging to the confederacy of states, proposed as a substitute for the Constitution, a mere revival of the articles of confederation, with a grant of additional powers to the Congress. Their plan was respectfully and thoroughly discussed, but the want of a government and of the sanction of the people to the delegation of powers, happily prevailed. A Constitution for the people, and the distribution of legislative, executive, and judicial powers, was prepared. It announced itself as the work of the people themselves; and as this was unquestionably a power assumed by the Convention, not delegated to them by the people, they religiously confined it to a simple power to propose, and carefully provided that it should be no more than a proposal until sanctioned by the confederation Congress, by the state Legislatures, and by the people of the several states, in conventions specially assembled, by authority of their Legislatures, for the single purpose of examining and passing upon it.

And thus was consummated the work, commenced by the Declaration of Independence. A work in which the people of the North American Union, acting under the deepest sense of responsibility to the Supreme Ruler of the universe, had achieved the most transcendant act of power, that social man in his mortal condition can perform. Even that of dissolving the ties of allegiance by which he is bound to his country—of renouncing that country itself—of demolishing its government, of instituting another government, and of making for himself another country in its stead.

And on that day, of which you now commemorate the fiftieth anniversary—on that 30th day of April, one thousand seven hundred and eighty-nine, was this mighty revolution, not only in the affairs of our own country, but in the principles of government over civilized man, accomplished.

The Revolution itself was a work of thirteen years—and had never been completed until that day. The Declaration of Independence and the Constitution of the United States, are parts of one consistent whole, founded upon one and the same theory of government, then new, not as a theory, for it had been working itself into the mind of man for many ages, and been especially expounded in the writings of Locke, but had never before been adopted by a great nation in practice.

There are yet, even at this day, many speculative objections to this theory. Even in our own country, there are still philosophers who deny the principles asserted in the Declaration, as self-evident truths—who deny the natural equality and inalienable rights of man—who deny that the people are the only legitimate source of power—who deny that all just powers of government are derived from the *consent* of the governed. Neither your time, nor perhaps the cheerful nature of this occasion, permits me here to enter upon the examination of this anti-revolutionary theory, which arrays state sovereignty against the constituent sovereignty of the people, and distorts the Constitution of the United States into a league of friendship between confederate corporations. I speak to matters of fact. There is the Declaration of Independence, and there is the Constitution of the United States—let them speak for themselves. The grossly immoral and dishonest doctrine of despotic state sovereignty, the exclusive judge of its own obligations, and responsible to no power on earth or in heaven, for the violation of them, is not there. The Declaration says, it is not in me. The Constitution says, it is not in me.

The confederacy of sovereign states has made itself known by its fruits; but there is one observation so creditable to our revolutionary fathers,

that it ought never to be overlooked. The defects of the confederacy were vices of the institution, and not of the men by whom it was administered. The jealousy of delegated power pervaded every part of the articles of confederacy, and indeed, almost all the separate constitutions. The prevailing principle of every provision made under the influence of this distrusting maxim, was, that the same power should not long be intrusted to the same hands—but it never extended to the exclusion of any person from office, after a designated term of service in another. One of the articles of confederation had interdicted every person from holding the office of a member of Congress more than three years in six. But any member excluded by the expiration of his limited term of service in Congress, was eligible to any other station in the legislative, executive, or judicial departments of his state, or to any office, civil or military, within the general jurisdiction of Congress.

In point of fact, the great measures by which the revolution was commenced, conducted, and concluded, were devised and prosecuted by a very few leading minds, animated by one pervading, predominating spirit. The object of the Revolution was the transformation of thirteen dependent and oppressed English colonies, into one nation of thirteen confederated states. It was, as the late Mr. Madison remarked to Miss Martineau, an undertaking to do that which had always before been believed impossible. In the progress to its accomplishment, obstacles almost numberless, and difficulties apparently insurmountable, obstructed every step of the way. That in the dissolution and re-institution of the social compact, by men marching over an untrodden path to the very fountains of human government, great and dangerous errors should have been committed, is but an acknowledgment that the builders of the new edifice were fallible men. But at the head of the convention that formed the Constitution, was George Washington, the leader of the armies of the Revolution—among its prominent members were Benjamin Franklin and Roger Sherman, two of the members of that memorable committee who had reported the Declaration of Independence—and its other members without exception, were statesmen who had served in the councils of the Union, throughout the Revolutionary struggle, or warriors who had contended with the enemy upon the field.

The Signers of the Declaration of Independence themselves, were the persons who had first fallen into the error of believing that a confederacy of independent states would serve as a substitute for the repudiated government of Great Britain. Experience had demonstrated their mistake, and the condition of the country was a shriek of terror at its awful magnitude. They did retrace their steps—not to extinguish the federative feature in which their union had been formed: nothing could be wider from their intention—but to restore the order of things conformably to the principles of the Declaration of Independence, and as they had been arranged in the first plans for a confederation. To make the people of the Union the constituent body, and the reservation of the rights of the states subordinate to the Constitution. Hence the delegation of power was not from each state retaining its sovereignty, and all rights not expressly delegated by the states, but from the people of each and all of the states, to the United States in Congress assembled, representing at once the whole people and all the states of the Union.

They retained the federative feature pre-eminently in the constitution of the Senate, and in the complication of its great powers, legislative, executive, and judicial—making that body a participant in all the great departments of constituted power. They preserved the federative principle and combined it with the constituent power of the people in the mode of electing the President of the United States, whether by the electoral colleges, or by the House of Representatives voting by states. They preserved it even in the constitution of the House, the popular branch of the Legislature, by giving separate delegations to the people of each state. But they expressly made the Constitution and constitutional laws of the United States paramount not only to the laws, but to the constitutions of the separate states inconsistent with them.

I have traced step by step, in minute and tedious detail, the departure from the principles of the Declaration of Independence, in the process of organizing the confederation—the disastrous and lamentable consequences of that departure, and the admirable temper and spirit, with which

the Convention at Philadelphia returned to those principles in the preparation and composition of the Constitution of the United States. That this work was still imperfect, candor will compel us all to admit, though in specifying its imperfections, the purest minds and the most patriotic hearts differ widely from each other in their conclusions. Distrustful as it becomes me to be of my own judgment, but authorized by the experience of a full half century, during which I have been variously and almost uninterruptedly engaged in both branches of the Legislature, and in the executive departments of this government, and released by my own rapid approach to the closing scene of life, from all possible influence of personal interest or ambition, I may perhaps be permitted to remark, that the omission of a clear and explicit Declaration of Rights, was a great defect in the Constitution as presented by the Convention to the people, and that it has been imperfectly remedied by the ten Articles of amendment proposed by the first Congress under the Constitution, and now incorporated with it. A Declaration of Rights would have marked in a more emphatic manner the return from the derivative sovereignty of the states, to the constituent sovereignty of the people for the basis of the federal Union, than was done by the words, "We the people of the United States," in the preamble to the Constitution.

A Declaration of Rights, also, systematically drawn up, as a part of the Constitution, and adapted to it with the consummate skill displayed in the consistent adjustment of its mighty powers, would have made it more complete in its unity, and in its symmetry, than it now appears, an elegant edifice, but encumbered with superadditions, not always in keeping with the general character of the building itself.

A Declaration of Rights, reserved by the constituent body, the people, might and probably would have prevented many delicate and dangerous questions of conflicting jurisdictions which have arisen, and may yet arise between the general and the separate state governments. The rights reserved by the people would have been exclusively their own rights, and they would have been protected from the encroachments not only of the general government, but of the disunited states.

And this is the day of your commemoration. The day when the Revolution of Independence being completed, and the new confederated Republic announced to the world, as the United States of America, *constituted* and organized under a government founded on the principles of the Declaration of Independence, was to hold her course along the lapse of time among the civilized potentates of the earth.

CHAPTER IV.

1789.

ORGANIZATION OF THE FEDERAL GOVERNMENT.

Washington the choice of the nation for president — His anxious thought, and reluctance to accept the charge — Extracts from his letters — Able men sent to Congress — Washington unanimously elected — John Adams elected vice-president — "Federal Hall" in New York refitted for the inauguration — Washington's letter to Knox — Record in his Diary — His Journey to New York like a triumphal procession — Incidents at the Schuylkill, and at Trenton — Entrance into New York — Ceremonies connected with the inauguration — Touching scene — Washington's inaugural speech — The close of the day — Answers of Congress to Washington's speech — His arrangements as to receiving visits — Position of affairs at home and abroad, a cause of anxiety to the president — The subject of revenue taken up by Congress — Debate on Madison's plan — The three executive departments established — Debate as to the power of removal from office — Abstract of the arguments — How decided — Views of Hamilton, Story, and others — Amendments to the Constitution proposed — Twelve adopted — The national judiciary established — Debate as to the location of the seat of government — Salaries of the president, etc. — North Carolina and Rhode Island treated as foreign states — Jefferson, Hamilton, Knox and Randolph, chosen by the president as his cabinet — John Jay, chief justice — His associates — Public credit to be supported — Hamilton directed to prepare a plan — Day of thanksgiving appointed — Close of the session of Congress.

The Constitution, as has been seen, was not adopted, without long and earnest discussion, and it was received with grave doubt and apprehension in various portions of the country. Its successful working, therefore, was but problematical in the estimation of many; and there were those, who, from the outset, disliked its aim and provisions, and determined to oppose its operation in every way which they could. Yet, seeing that it had been adopted by eleven of the states, it was certain that a trial of its merits must be had, notwithstanding the doubts, and fears, and ill wishes of its opponents.

But, although there was this contrariety of opinion as to the new Constitution and its value, there was not, for there could not be, a shadow of hesitation, as to the man, under whose auspices the test was to be applied, which was to demonstrate whether the Constitution was, or was not, what its friends or its opposers asserted. That man—the spontaneous impulse of every American heart, prompted the utterance—was George Washington. Every one knew, it is true, his reluctance to leave the retirement of his home; every one knew, likewise, that his patriotism triumphed over all personal considerations; and the instinctive feeling of the whole country taught them, that there was no man so absolutely necessary, in the present crisis, as Washington, whose ability, wisdom, prudence, and character, alone could enable him, with any prospect of success, to sustain the difficulties and dangers of the new and untried position of the president of the United States of America. He could not but be made aware of public sen-

timent on this subject in many ways; and his more intimate friends and correspondents wrote to him in terms of urgent entreaty, assuring him, that without his potent name and presence, it was almost hopeless to expect aught else but uncertainty and failure in the great experiment now about to be tried.

Washington's letters evince the deep anxiety with which he examined this question, and the unfeigned reluctance which he entertained towards entering again upon public life. Writing to Hamilton, in reply to a forcible letter from that distinguished statesman and patriot, he thus expressed himself: "If I am not grossly deceived in myself, I should unfeignedly rejoice, in case the electors, by giving their votes to some other person, would save me from the dreadful dilemma of being forced to accept or refuse. If that may not be, I am in the next place, earnestly desirous of searching out the truth, and of knowing whether there does not exist a probability that the government would just as happily and effectually be carried into execution, without my aid, as with it. I am truly solicitous to obtain all the previous information which the circumstances will afford, and to determine, (when the determination can no longer be postponed,) according to the principles of right reason, and the dictates of a clear conscience, without too great a reference to the unforeseen consequences which may affect my person or reputation. Until that period, I may fairly hold myself open to conviction, though I allow your sentiments to have weight in them; and I shall not pass by your arguments, without giving them as dispassionate a consideration as I can possibly bestow upon them.

"In taking a survey of the subject, in whatever point of light I have been able to place it, I will not suppress the acknowledgment, my dear sir, that I have always felt a kind of gloom upon my mind, as often as I have been taught to expect I might, and, perhaps, must be called upon ere long to make the decision. You will, I am well assured, believe the assertion, though I have little expectation it would gain credit from those who are less acquainted with me, that if I should receive the appointment, and should be prevailed upon to accept, the acceptance would be attended with more difficulty and reluctance, than I ever experienced before. It would be, however, with a fixed and sole determination of lending whatever assistance might be in my power to promote the public weal, in hopes that at a convenient and early period, my services might be dispensed with; and that I might be permitted once more to retire, to pass an unclouded evening, after the stormy day of life, in the bosom of domestic tranquillity."

In a letter to Lafayette, among other things, he said:—"Your sentiments, indeed, coincide much more nearly with those of my other friends, than with my own feelings. In truth, my difficulties increase and magnify, as I draw towards the period, when, according to the common belief, it will be necessary for me to give a definitive answer in one way or other. Should circum-

stances render it in a manner inevitably necessary to be in the affirmative, be assured, my dear sir, I shall assume the task with the most unfeigned reluctance, and with a real diffidence, for which I shall probably receive no credit from the world. If I know my own heart, nothing short of a conviction of duty, will induce me again to take an active part in public affairs. And in that case, if I can form a plan for my own conduct, my endeavors shall be unremittingly exerted, (even at the hazard of former fame or present popularity,) to extricate my country from the embarrassments in which it is entangled through want of credit, and to establish a general system of policy, which, if pursued, will ensure permanent felicity to the commonwealth. I think I see a path as clear and as direct as a ray of light, which leads to the attainment of that object. Nothing but harmony, honesty, industry, and frugality, are necessary to make us a great and a happy people. Happily the present posture of affairs, and the prevailing disposition of my countrymen, promise to co-operate in establishing those four great and essential pillars of public felicity."

During the winter of 1788–9, the election of members of the first Federal Congress went busily forward. Some of the ablest and best men in the country were chosen; among whom were Fisher Ames, James Madison,* Elias Boudinot, Roger Sherman, Frederick A. Muhlenberg, Egbert Benson, Abraham Baldwin, and others, in the House of Representatives; and John Langdon, Oliver Ellsworth, Rufus King, Charles Carroll, R. H. Lee, and Robert Morris, in the Senate.

The electors met in the several states, on the first Wednesday in February, and, in accordance with the provisions of the second article of the Constitution, gave in their ballots. These having been opened by Congress, on the 6th of April,* it was found, that the whole number of votes was sixty-nine. Washington received them all, without a single exception; and John Adams received thirty-four. This, although not a majority of the whole, designated him, as, "after the choice of the president, the person having the greatest number of votes of the electors;" and consequently John Adams became the first vice-president. John Jay, R. H. Harrison, and John Rutledge, with others, received a number of votes. Official information was immediately communicated to Washington and Adams, and preparations were made for the solemn inauguration of the new government. Some liberal-spirited merchants of New York contributed over $30,000, and the "Federal Hall," the site of which is now occupied by the Custom-House, was put in suitable order for the great uses to which it was to be devoted. **1789.**

* For the manner in which Patrick Henry, as governor of Virginia, prevented the election of Madison into the Senate, see Wirt's "*Life of Patrick Henry*," p. 316.

* Wednesday, the 4th of March, was the day appointed for the meeting of Congress; but bad roads and culpable want of punctuality prevented the commencement of the session for more than a month.

Although the result of the election was known some time in advance, Washington did not receive the official notice of it until the 14th of April, when Mr. Charles Thomson, secretary of the late Congress, conveyed to him the intelligence of the perfect unanimity with which his fellow-citizens had chosen him to preside over their beloved country. The delay was not unacceptable to Washington, however much regretted by the public. Writing to General Knox, he said, "I feel for those members of the new Congress, who, hitherto, have given an unavailing attendance at the theatre of action. As for myself, the delay may be compared to a reprieve; for in confidence, I tell *you*, (with the *world* it would obtain little credit,) that my movements to the chair of government will be accompanied by feelings not unlike those of a culprit who is going to the place of his execution; so unwilling am I in the evening of life, nearly consumed in public cares, to quit a peaceful abode for an ocean of difficulties, without that competency of political skill, abilities, and inclination, which are necessary to manage the helm. I am sensible that I am embarking the voice of the people, and a good name of my own, on this voyage, but what returns will be made for them, Heaven alone can foretell. Integrity and firmness are all I can promise. These, be the voyage long or short, shall never forsake me, although I may be deserted by all men; for of the consolations which are to be derived from these, under any circumstances, the world cannot deprive me."

Ever prompt in his obedience to the call of his country, Washington, on the second day after receiving the notice of his election, set out for New York. The record in his Diary is worthy of being quoted: "About ten o'clock, I bade adieu to Mount Vernon, to private life, and to domestic felicity; and with a mind oppressed with more anxious and painful sensations than I have words to express, set out for New York, in company with Mr. Thomson and Colonel Humphreys, with the best disposition to render service to my country in obedience to its call, but with less hope of answering its expectations." 1789.

His whole journey was like one continued triumphal procession. In all the towns and villages on his route, the enthusiasm and love of his countrymen led them to take every step in their power to show their grateful sense of his devotion to their best interests. The people gathered by the road side, and cheers of hearty congratulation were uttered. Addresses were presented to him; the citizen soldiery paraded in his honor; triumphal arches were erected; and every description of respect and veneration was bestowed upon him. Gray's bridge over the Schuylkill, which he had to pass, was highly decorated with laurels and evergreens. At each end of it were erected magnificent arches, composed of laurels, emblematical of the ancient Roman triumphal arches, and on each side of the bridge was a laurel shrubbery. As Washington passed the bridge, a youth ornamented with sprigs of laurel, assisted by machinery, let

drop above his head, though unperceived by him, a civic crown of laurel. Many thousands of the people accompanied him into the city, and at night Philadelphia was illuminated.

When Washington crossed the Delaware, and landed on the Jersey shore, he was saluted with three cheers by the inhabitants of the vicinity. When he came to the brow of the hill on his way to Trenton, a triumphal arch was erected on the bridge by the direction of the ladies of the place. The crown of the arch was highly ornamented with laurels and flowers, and on it was displayed in large figures, "December 26th, 1776." On the sweep of the arch beneath, was inscribed in large gilt letters,—

THE DEFENDER OF THE MOTHERS
WILL BE
THE PROTECTOR OF THE DAUGHTERS.

On the the north side were ranged thirteen young girls, dressed in white, with garlands of flowers on their heads, and baskets of flowers on their arms; and behind these stood the young women and matrons of the neighborhood. The moment Washington was passing the arch, the girls began to sing, with their sweet voices, the following ode:

1789.

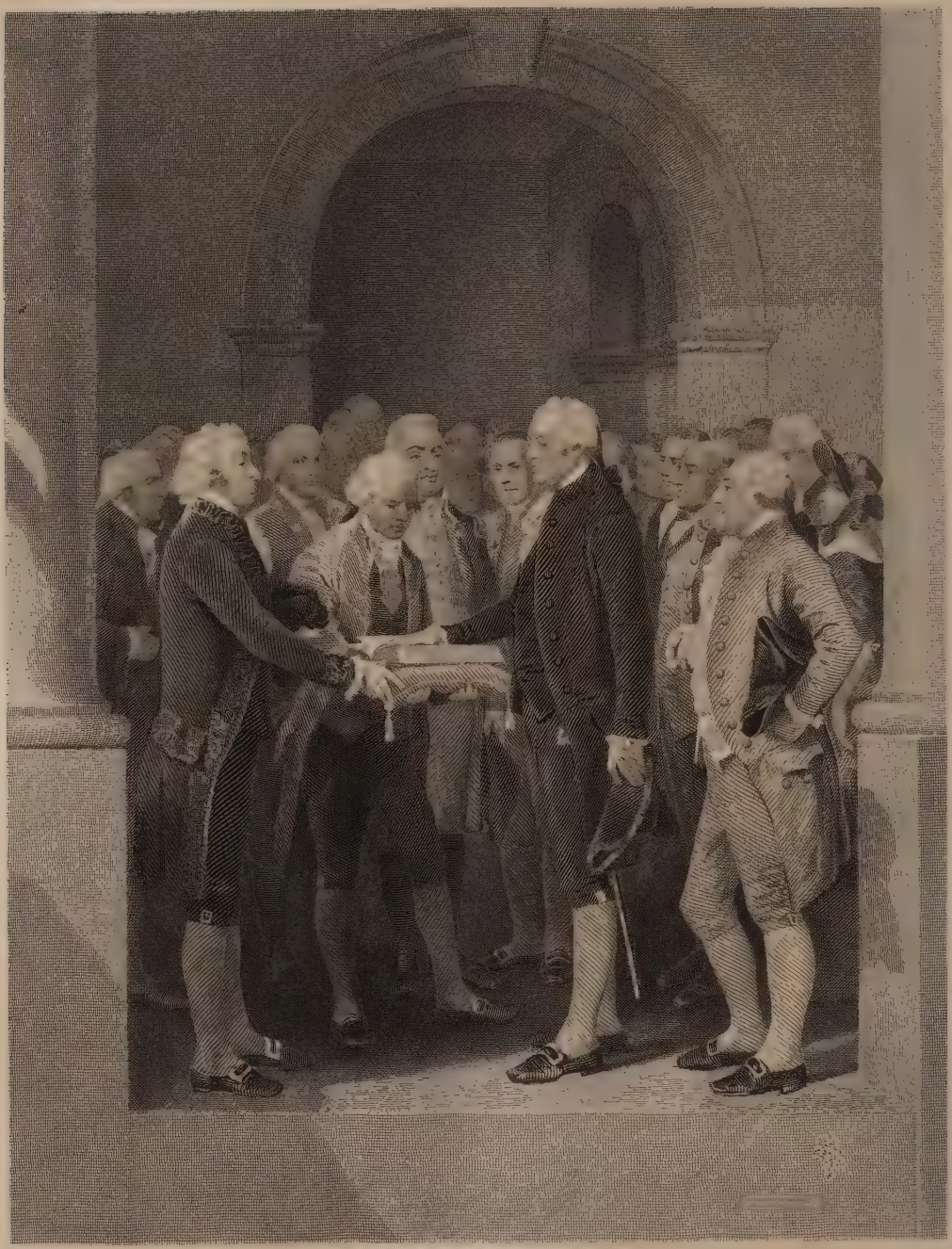
"Welcome, mighty chief! once more
Welcome to this grateful shore.
Now no mercenary foe
Aims again the fatal blow,
Aims at thee the fatal blow.

"Virgins fair, and matrons grave,
These thy conquering arms did save!
Build for thee triumphal bowers;
Strew, ye fair, his way with flowers;
Strew your Hero's way with flowers."

As they sang the last lines, they strewed the flowers in the path of the father of his country; a most touching and beautiful exhibition indeed, and one which called forth expressions from him of deepest acknowledgment.

At New Brunswick, he was joined by the governor of New Jersey, who accompanied him to Elizabethtown Point. A Committee of Congress received him with every mark of honor, and, on the 23d of April, he embarked from the Point in an elegant barge, of thirteen oars, and manned by thirteen pilots in white uniforms. The evidences of the people's love and gratulation, as seen in the decorated vessels and boats, crowded with spectators, in the noble Bay of New York, as the president drew nigh to the city, were indescribably grand and forcible; and yet, so little elated was that great man and true patriot with these marks of popular favor, that he put on record in his private journal, the pain that mingled with the pleasure of the day. "The display of boats, which attended and joined on this occasion, some with vocal, and others with instrumental music on board, the decorations of the ships, the roar of cannon, and the loud acclamations of the people, which rent the sky, as I passed along the wharves, filled my mind with sensations as painful (contemplating the reverse of this scene, which may be the case after all my labors to do good) as they were pleasing."*

* Mr. Boudinot, in a letter quoted in "*The Republican Court*," pp. 130–34, gives a very interesting and full account of the animated scene exhibited on this occasion in the Bay of New York.



INAUGURATIO[illegible]

From th[illegible]

Landing at Murray's wharf, he was saluted by a discharge of artillery, and the governor of the state, the corporation of the city, the clergy, foreign ministers, and a vast concourse of the citizens, besides the military, escorted him to his residence. Joy and festivity succeeded, and in the evening the whole city was brilliantly illuminated.

Congress having determined that suitable ceremony should be observed in Washington's taking the oath of office,* the 30th of April was fixed upon as the day, and services were held in all the churches in the city, at nine o'clock in the morning. Soon after noon, the committees of Congress and the heads of departments waited upon Washington, and a grand procession was formed, the military in advance, the committees next, and then the president in a coach alone, followed by various civil officers and citizens. Having arrived at "Federal Hall," he ascended to the Senate-chamber, and passed thence to the balcony in front, where Chancellor Livingston administered the oath of office to him, and GEORGE WASHINGTON, reverently appealing to Heaven, said, "I do solemnly swear, that I will faithfully execute the office of President of the United States; and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States;" adding, as he pressed his lips to the Sacred Volume, "So help me God!" The chancellor then turning to the people exclaimed, with a loud voice, "Long live George Washington, President of the United States!" Immediately the air was rent with acclamations from tens of thousands of rejoicing freemen, acclamations which well nigh drowned the roar of the cannon. Truly, as said a spectator of this deeply interesting scene, "it seemed, from the number of witnesses, to be a solemn appeal to heaven and earth. Upon the subject of this great and good man, I may, perhaps, be an enthusiast; but, I confess, I was under an awful and religious persuasion, that the gracious Ruler of the Universe was looking down at that moment with peculiar complacency on an act, which, to a part of his creatures, was so very important. Under this impression, when the Chancellor pronounced, in a very feeling manner, "LONG LIVE GEORGE WASHINGTON," my sensibility was wound up to such a pitch, that I could do no more than wave my hat with the rest, without the power of joining in the repeated acclamations which rent the air."

1789.

Washington, bowing to the assembled multitude, then returned to the

* "In April, 1789," says Dr. Francis, in an able Address, commemorative of the life and services of Chancellor Livingston, "this city was the scene of one of the most solemn ceremonies recorded in the annals of America. The great Washington, having conducted to a successful issue, the momentous contest for independence, and the sages of our nation having elaborated a constitutional code of government, all eyes were directed to the illustrious hero, whose wise and sagacious counsels, no less than his valor, pointed him out as the most competent, under Providence, to guide the vessel of state in safety. When that venerable patriot, agreeably to your wishes, was about to enter upon the duties of the highest office known to freemen, CHANCELLOR LIVINGSTON became the witness of his solemn appeal to Heaven, that the laws should be faithfully administered."—*Address before the Philolexian Society of Columbia College*, 1831, p. 32.

Senate Chamber, where he delivered his Inaugural speech. Its dig-
1789. nity, wisdom, and ability, render it every way worthy of being spread in full upon our pages.

"*Fellow Citizens of the Senate and of the House of Representatives:*

"Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years: a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study, to collect my duty from a just appreciation of every circumstance by which it might be effected. All I dare hope is, that, if in accepting this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens; and have thence too little consulted my incapacity, as well as disinclination for the weighty and untried cares before me; my ERROR will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

"Such being the impressions under which I have, in obedience to the public summons, repaired to the present station; it will be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe; who presides in the councils of nations; and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves for these essential purposes; and may enable every instrument employed in its administration, to execute with success, the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself, that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men, more than the people of the United States. Every step by

which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind, to be suppressed. You will join with me, I trust, in thinking that there are none, under the influence of which the proceedings of a new and free government can more auspiciously commence.

"By the article establishing the executive department, it is made the duty of the president 'to recommend to your consideration, such measures as he shall judge necessary and expedient.' The circumstances under which I now meet you, will acquit me from entering into that subject, farther than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges that, as on one side, no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire; since there is no truth more thoroughly established than that there exists, in the economy and course of nature, an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity: since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained, and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as DEEPLY, perhaps as FINALLY, staked on the experiment intrusted to the hands of the American people.

"Besides the ordinary objects sub-

mitted to your care, it will remain with your judgment to decide, how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient, at the present juncture, by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good: for I assure myself, that whilst you carefully avoid every alteration which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question how far the former can be more impregnably fortified, or the latter be safely and advantageously promoted.

"To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty, required that I should renounce every pecuniary compensation. From this resolution, I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

"Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their Union, and the advancement of their happiness; so His divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend."

The president, accompanied by the vice-president, members of Congress, and many others, then proceeded on foot to St. Paul's Chapel, where prayers were offered, according to the usage of the Protestant Episcopal Church, by Bishop Provost, who had been recently elected one of the chaplains of Congress. With these services, were concluded the ceremonies connected with the inauguration. But the people prolonged their

1789.

festivities into the night, and New York was all alive with myriads of spectators gazing upon the splendid illuminations.

A few days afterwards, the dispute between the two Houses having been settled, whether Washington should be addressed as "His Highness," or "His Mightiness," or simply as he is designated in the Constitution, both the Senate and the House presented to the president answers to his inaugural speech. It is almost needless to add, that these answers glowed with sentiments of love, veneration and confidence, which promised to render the session of Congress harmonious and diligent in the discharge of public duties.*

The first president of the United States found that there was indeed much reason for anxiety, as he carefully and accurately informed himself of the actual position of affairs at home and abroad. The agitations and excitement, consequent upon the discussions respecting the new Constitution, were not yet quieted. Political animosities were rife in the community. The treasury was exhausted. Debts pressed heavily in all directions; and restlessness and discontent found place among too many of the citizens. "The Constitution itself," as John Quincy Adams forcibly says, "had been extorted from the grinding necessity of a reluctant nation. The people only of eleven of the thirteen primitive states had sanctioned it by their adoption. A stubborn, unyielding resistance against its adoption, had manifested itself in some of the most powerful states in the Union, and when overpowered by small majorities in their Conventions, had struggled in some instances successfully, to recover their ascendancy, by electing to both Houses of Congress members who had signalized themselves in opposition to the adoption of the Constitution. A sullen, embittered, exasperated spirit was boiling in the bosoms of the defeated, then styled anti-Federal party, whose rallying cry was state rights—state sovereignty—state independence. To this standard, no small number even of the ardent and distinguished patriots of the Revolution, had attached themselves with partial affection. State sovereignty, unlimited state sovereignty, amenable not to the authority of the Union, but only to the people of the disunited state itself, had, with the left-handed wisdom characteristic of faction, assumed the mask of liberty, pranked herself out in the garb of patriotism, and courted the popular favor in each state, by appeals to their separate independence; affecting to style themselves exclusively *Republicans*, and stigmatizing the Federalists, and even Washington himself, their head, as monarchists and tories. On the

1789.

* Washington, on entering upon his duties, found it imperatively necessary to make certain arrangements in regard to the time of receiving of visits, etc. This, which, it would seem, would commend itself to every man's mind as only right and proper, was made a subject of complaint by some of the suspicious and squeamish politicians of the day. For Washington's dignified rebuke of those who ventured to carp at his doings, as if *he*, of all men, were desirous of aping regal forms and ceremonies, see Marshall, vol. ii., pp. 144–46; and Sparks, pp. 412, 13. See also Tucker's "*Life of Jefferson*," vol. i., p. 312: he repeats, as "facts," the stories of the president's imitating the imposing forms of royalty and nobility.

other hand, no small number of the Federalists, sickened by the wretched and ignominious failure of the Articles of Confederation to fulfil the promise of the Revolution; provoked at once and discouraged by the violence and rancor of the opposition against their strenuous and toilsome endeavors to raise their country from her state of prostration; chafed and goaded by the misrepresentations of their motives, and the reproaches of their adversaries, and imputing to them in turn, deliberate and settled purposes to dissolve the Union, and resort to anarchy for the repair of ruined fortunes; distrusted even the efficacy of the Constitution itself, and, with a weakened confidence in the virtue of the people, were inclining to the opinion, that the only practicable substitute for it, would be a government of greater energy than that presented by the Convention. (See p. 201.) There were among them numerous warm and sincere admirers of the British Constitution; disposed to confide rather to the inherent strength of the government, than to the self-evident truths of the Declaration of Independence, for the preservation of the rights of property, and perhaps of persons; and with these discordant feelings and antagonizing opinions, were intermingled on both sides individual interests and ambitions, counteracting each other, as in the conduct and management of human affairs they always have and always will; not without a silent and secret mixture of collateral motives and impulses, from the domestic intercourse of society, for which the legislator is not competent to provide, and the effect of which not intuition itself can foresee."*

Among those in the first Congress, who were opposed to the Constitution, were a number clamorous for a new Convention; and even the most moderate called urgently for amendments of what had been ratified. Two states, North Carolina and Rhode Island, still refused to accede to the Constitution, a course which was equally annoying and embarrassing. The military force of the United States was less than six hundred men; while not only difficulties existed with Spain and Great Britain, on a variety of points, but the northern Indians between the Lakes, the Mississippi and the Ohio, numbered five thousand men, more than a third of whom were at open war with the United States, and the Creeks, in the south-west, who could bring six thousand fighting men into the field, were at war with Georgia.

The commerce of the country was more restricted, than when it had formed part of the British empire. A treaty had been formed with the emperor of Morocco, but Algiers, Tunis, and Tripoli, plundered the unprotected vessels of America, and enslaved all who fell into their hands. With neither money to purchase exemption, nor a naval force to command respect, the position of our commerce in the Mediterranean required immediate attention. The jealousy of Spain, we have spoken of on a previous page, (see p. 197,) and her attempts to impose restrictions on the free navigation of the Mississippi,

* "*Jubilee of the Constitution*," pp. 55–57.

roused the whole West. The excitement consequent upon the intricate and embarrassing disputes with Spain on this point, and also respecting boundaries, called for the utmost watchfulness and prudence, on the part of the executive.

With Great Britain, several important points of difference existed. The old grudges and jealousies of the war still lived; on the one hand, the mother country acted in a way the least likely to conciliate the United States; and, on the other, our countrymen, looking upon her as a natural, if not necessary enemy, were ready to take offence very easily, and were eager for an opportunity to retaliate. The British government steadily refused to negotiate a commercial treaty on any thing like favorable terms, and every restriction which was possible, was interposed on this subject, a subject, which it may well be believed, was most deeply important to the interests and prosperity of the whole country. An attempt to form a commercial treaty with Portugal failed, it was confidently thought,
1789. owing to the adverse influence of Great Britain; and even the piratical onslaughts of the Barbary corsairs, and the bloody incursions of the Indians, were attributed, to a large extent, to the machinations of the same power.

With France, the most friendly relations existed, and there was a strong disposition to encourage trade with that country in preference to England. The other powers of Europe, in general, were disposed to be on good terms with the United States, and avail themselves of the advantages to their trade and commerce, which were held out by the erection of a new and flourishing empire in the western world.

Until the new departments were organized, the president continued to enjoy the services of John Jay, as foreign secretary, and General Knox, as secretary of war, while the treasury was in the hands of a Board of Commissioners. Washington, with that conscientiousness which always distinguished him, studied diligently the various and complicated questions which arose out of his new and untried relations. He obtained full reports from the officers who had been in charge of the different branches of the administration; studied and condensed them with his own hand; and read over, with scrupulous care, the voluminous correspondence on foreign affairs, dating from the peace; making abstracts of the whole, so as to fix the entire course which had been pursued, as well as every point of interest and moment, firmly in his mind.*

The establishment of a system whereby an adequate revenue should be obtained for the discharge of national obligations, was so manifestly of the first concern, that Madison proposed, very early in the session, the adoption of that system of imposts, by which it

* Marshall (vol. ii., p. 156) gives an account of the attempt made by the French minister, Count de Moustiers, to open diplomatic intercourse with the president in person, and not, as is the rule, through the secretary of state. It is instructive to observe, how effectually Washington's mingled courtesy and firmness put at rest the question, as to the rank which the executive holds with respect to the ministers of other nations accredited to the United States.

had been attempted, without success, under the Confederation, to obtain a revenue to meet the demands of the nation's creditors at home and abroad. The plan proposed by Mr. Madison, was, to lay specific duties, or duties according to quantity, on certain articles, such as spirituous liquors, wines, tea and coffee, sugar and molasses, and pepper; and on all other importations, an *ad valorem* duty, or per centage upon their actual value. It also included a tax upon the tonnage of vessels; American vessels being charged at a lower rate than those of other countries, and a discrimination being made in favor of those nations which had entered into commercial treaties with the United States. The debates on this whole subject, in the House, were very animated, and great variety of opinion was expressed. No part of the system was discussed more earnestly and warmly, than that which proposed to make discriminations in favor of those nations with whom the United States had formed commercial treaties. In the course of the debate, opinions and feelings with respect to foreign powers were disclosed, as Marshall states, which, strengthening with circumstances, afterwards agitated the whole American continent. 1789.

The House, by a small majority, voted to make this discrimination; but the Senate refused to agree to the proposal, and expunged the discrimination in favor of the tonnage and distilled spirits of those nations having commercial treaties with the United States. After a conference, the House reluctantly gave way, and the discrimination was negatived. The Senate sitting, at the time, with closed doors, we are not informed of the arguments by which they were led to persist in the course which they adopted.

In order to carry forward the executive affairs of the country, three departments were established, viz., that of foreign affairs, since denominated the department of state; that of the treasury; and that of war; to which last was added whatever might appertain to the naval concerns of the United States.

In framing the acts establishing these departments, a debate sprang up, which caused much excitement; for the question then discussed, was at the time, and is still, believed to have involved principles of the utmost moment to the stability, well-being, and proper working of the federal government. The Constitution declared, that, "by and with the advice and consent of the Senate," the president should have power to appoint the necessary officers in the various departments named in the second Article; but it was entirely silent on the very important point, as to where the power of removal was lodged. This matter, it may be here stated, does not appear to have been agitated at all in the Federal Convention. 1789.

Immediately the members of Congress took sides on the question. On the one hand, it was urged, that, as the advice and consent of the Senate were necessary to the appointment, so, by parity of reasoning, the same advice and consent were necessary to the removal of executive officers; on the

other, it was said, with great force, that, as the president was sworn to see the laws faithfully executed, so it was imperative, that he should be untrammelled in the removal, for what seemed to him good cause, of any and every executive officer.

On the one side, it was asserted, that this power was of the nature of monarchical prerogative; that it was very dangerous, especially in the hands of an ambitious president; that it would reduce the executive officers to a servile dependence upon the caprice, or otherwise of the president; and that as the Constitution was silent on the question, it was contrary to sound policy, as well as inconsistent with the principles of a free government, to give, by construction, such power to any one individual.

On the part of those who took the opposite view, it was argued, that if the power of removal was divided between the president and Senate, responsibility would be destroyed, and the benefits expected from its exercise, in a great measure, lost. Secrecy and dispatch were often necessary to secure and preserve the public interest. Facts relative to the mal-conduct of an officer, might come to the knowledge of the president, rendering an immediate removal indispensable; and the delay in convening the Senate, might be fatal to the best interests of the community. In answer to the objection, that this power would be liable to great abuse, in the hands of an individual, it was said, that all power wherever placed, was liable to this objection; but that the mode of choosing the chief magistrate would ensure the election of an individual of integrity as well as talents; and that the tenure of office would be as secure, and the liberties of the people as safe, in the hands of a president thus chosen, as with the president and Senate in conjunction. It was further urged, that with respect to removals from whim, caprice, or any unworthy motives, sufficient checks were provided against so wanton an abuse of this power, for though it was possible that a meritorious officer might be removed to make way for a favorite or dependent of the president, still he could not supply the vacancy without the assent of the Senate. Mr. Madison also, with other members, declared that were the president to venture upon such abuse of his prerogative, he would subject himself to impeachment and removal from his own high trust. Mr. Baldwin, Mr. Benson, Mr. Lawrence, and others in the House, agreed with Mr. Madison in the views which he advocated; while equally eminent statesmen, as Mr. Sherman and Mr. Gerry, took the opposite ground. 1789. Finally, the question was settled in the House by a majority of twelve, first, by an amendment to the second clause in the bill, so as clearly to imply the power of removal to be solely in the president, and then by striking out the whole clause which had been under debate, thus leaving the president to exercise the power as a constitutional privilege.*

When the question first came before

* See Senator Benton's "*Abridgement of the Debates of Congress*," vol. i. pp. 85–90, and 102–108.

the Senate, in July, on the bill establishing the department of Foreign Affairs, some of the members were absent, and that body was equally divided, nine against nine, and the casting vote was given by John Adams, the vice-president. On a subsequent bill, there was a majority of two in favor of the same construction. That it might not be considered a grant of power by Congress, the law was so worded as to imply a constitutional power already existing in the president; the expressions being, "that whenever the secretary shall be removed by the president of the United States," &c.

There can be no doubt that this is a grave question, and also not altogether easy of solution. A great deal has been said on the subject by men eminent for their knowledge and their patriotism, and it is still open to dispute, whether or not the first Congress decided wisely and rightly on this important question.

Hamilton began the seventy-seventh number of the Federalist, by saying: "It has been maintained, as one of the advantages to be expected from the co-operation of the Senate, in the business of appointments, that it would contribute to the stability of the administration. The consent of that body would be necessary to *displace*, as well as to *appoint*. A change of the chief magistrate, therefore, would not occasion so vehement or general a revolution in the officers of the government, as might be expected, if he were the sole disposer of offices. When a man, in any situation, had given satisfactory evidence of his fitness for it, a new president would be restrained from attempting a change, in favor of a person more agreeable to him, by the apprehension, that the discountenance of the Senate might frustrate the attempt, and bring discredit upon himself. Those who can best estimate the value of a steady administration, will be most disposed to prize a provision which connects the official existence of public men with the approbation or disapprobation of that body, which, from the greater permanency of its own composition, will, in all probability, be less subject to inconstancy than any other member of the government."

Justice Story, in his Exposition of the Constitution, after noticing the fact, that the first Congress, jealous as it was of executive power, nevertheless decided in the manner above related, goes on to state, that this doctrine has ever since prevailed in practice, "and the president is accordingly now permitted to exercise the power of removal, without any restraint from the Senate, although the Constitution, in the enumeration of his powers, is wholly silent on the subject. If we connect this power of removal, thus practically expounded, with another power, which is given in the succeeding clause, to fill up vacancies in the recess of the Senate, the chief guards intended by the Constitution over the power of appointment, may become utterly nugatory. A president of high ambition and feeble principles, may remove all officers, and make new appointments in the recess of the Senate; and if his choice should not be confirmed by the Senate, he may reappoint the same persons in

the recess, and thus set at defiance the salutary check of the Senate in all such cases." 1789.

Mr. Hale* terms it "a question of surpassing importance," which was then discussed and decided; and after giving an abstract of the views on either hand, says, "Nothing so closely assimilates our government to the monarchies of Europe as the construction, doubtful at least, thus given to the Constitution." Pitkin, who devotes a number of pages to this topic, speaks with considerable feeling of the dangerous tendency of executive power and influence. His remarks are worth consulting.

The grandson of John Adams points attention to the peculiar and highly important character of the question which came before the Senate, of which the vice-president of the United States is president. Describing it as an anomaly that the president may, as a last resort, be brought for trial before a body which have the power to refuse him the officers he may choose, he further says, "if in addition to this, the power of displacing such as he found unworthy of trust, had been subjected to the same control, it cannot admit of a doubt, that the government must, in the course of time, have become an oligarchy, in which the president would sink into a mere instrument of any faction that might happen to be in the ascendant in the Senate. This, too, at the same time that he would be subject to be tried by them for offences in his department, over which he could exercise no effective restraint whatever. In such a case, the alternative is inevitable, either that he would have become a confederate with that faction, and therefore utterly beyond the reach of punishment by impeachment at their hands, for offences committed with their privity, if not at their dictation, or else, in case of his refusal, that he would have been powerless to defend himself against the paralyzing operation of their ill-will."* Other authorities might be cited with reference to this point; but it is unnecessary in this place, and our limits do not admit of extended discussion.

In the bill establishing the treasury department, was a clause making it the duty of the secretary "to digest and report plans for the improvement and management of the revenue, and for the support of public credit." It was moved, that this clause be stricken out, on the ground that it was an infringement on the constitutional privileges of the House to permit the secretary to go further than to prepare estimates, and a great deal of unnecessary sensitiveness was manifested, lest such a course might lead to the introduction of monarchical arrangements and practices. Certainly, as was said in reply, it was carrying Congressional dignity to an extreme, when it refused to receive any information but such as originated with itself. After a full discussion, the amendment was rejected. 1789.

During the session, the attention of

* "*History of the United States*," vol. ii, pp. 103, 4.

* "*Life and Works of John Adams*," vol. i., p. 448. See also John Quincy Adams's "*Jubilee of the Constitution*," p. 78.

the House was claimed by the numerous amendments to the Constitution, which many of the ratifying states had bound upon their representatives to urge at an early day upon Congress. These amendments, when counted up from all quarters, were found to amount to two hundred and one; but as many of them were mere repetitions, more or less exact, there were not more than fifty or sixty which demanded the consideration of the House. "To meet the various ideas expressed by the several State Conventions," as Marshall says; "to select from the mass of alterations which they had proposed, those which might be adopted without stripping the government of its necessary powers; to condense them into a form and compass which would be acceptable to persons disposed to indulge the caprice, and to adopt the language of their particular states; were labors not easily to be accomplished." Madison introduced the amendments to the House, and they were referred to a committee of one member from a state, with general instructions. After long debates, and various alterations, a majority of two-thirds was obtained in favor of seventeen of the fifty or sixty submitted to the House. The Senate took up these, and in the end reduced the number to twelve, which were laid before the several legislatures for their approval. Ten of the articles proposed by Congress were, in due time, ratified by the constitutional majority of the states. Those relating to the number of the House of Representatives, and to compensation for the services of the members of the national legislature, were rejected.

1789.

Whilst the House was busily occupied in its multifarious duties, the Senate took up the extensive and important subject of the National Judiciary. Mr. Ellsworth was chairman of the committee who prepared the bill establishing a supreme court, and circuit and district courts. The district courts were to consist of one judge in each state. The states were divided into circuits, in each of which one of the judges of the supreme court, and the district judge of the state, in which the court was held, constituted the circuit courts. In certain cases this court had original jurisdiction, and also took cognizance of appeal from the district courts. The supreme court was composed of a chief justice, and five associate judges, and was to hold two sessions annually, at the seat of government. This court had exclusive jurisdiction in certain cases, and appellate jurisdiction from the circuit courts, and also from the state courts, in cases where the validity of treaties and the laws of the United States were drawn into question. This organization of the National Judiciary has remained substantially the same to the present time.

Various other subjects were considered and debated during the present session, on one of which Congress was nearly equally divided, viz.: that which designated the place for the permanent seat of government. The members differed much in sentiment, some urging strongly the banks of the Susquehannah; others, with equal force, pressing the claims of the vicinity of

1789.

the Potomac. The question was left unsettled at the time, and came up at the next session of Congress.

Considerable difficulty was experienced in fixing the salaries of the president, vice-president, members of Congress, and other officers of the government. The president's salary was settled at $25,000 per annum; that of the vice-president, at $5,000. The heads of departments were allowed $3,500; the chief justice of the supreme court, $4,000; and the associate judges $3,500. The members of the House of Representatives were to receive six dollars per day, and six dollars for every twenty miles' travel; and the Senators were likewise to receive seven dollars per day, and at the same rate for every twenty miles' travel.*

The states of North Carolina and Rhode Island, having refused to adopt the Constitution, were not a part of the Union, and of course, not subject to its laws. In their intercourse with the United States, therefore, they were considered in some respects, as foreign states. By the law for the collection of duties, all goods imported from these states, except those of their own growth or manufacture, were subject to foreign duties. Towards the close of the session, however, on the application of individuals belonging to these states, their vessels were placed on the same footing with those of the United States, until the 15th of January, 1790.

The government having now been completely organized, Washington was called upon, toward the close of September, to discharge the very difficult and delicate duty of filling the various important offices which had been created. The reader, we presume, does not need to be told, that the president acted in this, as in every thing, with the highest conscientiousness, and with the utmost impartiality, so as to bring into the service of the country, the men of the best talents, the greatest weight of character, and the fullest guarantees of their patriotism.* 1789.

Thomas Jefferson, a man of great political sagacity, and well known to his countrymen, was about to return from France, and reached the United States near the close of the year. He was offered the post of secretary of state. "This appointment," to use Jefferson's words,—"I received with real regret. My wish had been to return to Paris, where I had left my household establishment, as if there myself; and to see the end of the Revolution, which I then thought would be certainly and happily closed in less than a year. I then meant to return home, to withdraw from political life, into which I had been impressed by the circumstances of the times, to sink into the bosom of my family and friends, and devote myself to studies more congenial to my mind. In my answer I expressed these dispositions candidly

* For the debate on this subject, see Benton's "*Abridgement of the Debates of Congress*," vol. i., pp. 116-133.

* For the rules which Washington adopted, in making appointments to offices, see his letter on the subject, Sparks's "*Life of Washington*," pp. 418, 19. In view of our later history, this letter is suggestive of many, and by no means pleasant reflections.

to the president, and my preference of a return to Paris; but assured him that if it was believed I could be more useful in the administration of the government, I would sacrifice my own inclinations without hesitation, and repair to that destination; this I left to his decision. At Monticello, I received a second letter from the president, expressing his continued wish that I should take my station there, but leaving me still at liberty to continue in my former office, if I could not reconcile myself to that now proposed. This silenced my reluctance, and I accepted the new appointment." It was not, however, till the latter part of March, in the following year, that Jefferson reached New York, and entered upon his duties.

Alexander Hamilton was placed at the head of the Treasury Department. His transcendent ability, we have before spoken of; the warm personal regard which Washington entertained for him on account of his manifold and noble qualities of mind and heart, and the clear conviction of the president, that, though yet quite young, he was one of the maturest statesmen in the land, rendered it, in every point of view, desirable that he should become a member of the cabinet. In the same department, Nicholas Eveleigh was appointed comptroller; Oliver Wolcott, auditor; and Joseph Nourse, register.

General Knox, who was already discharging the duties of the post, was nominated secretary of war. His numerous public services, and his undoubted ability and integrity, excellently fitted him for the station to which he was appointed.

Edmund Randolph was chosen by the president as attorney-general. His reputation as a lawyer, and the rank which he attained as governor of Virginia, and a prominent member of the Convention which adopted the Constitution, pointed him out as admirably qualified for the post to which he was advanced. 1789.

These formed the cabinet of Washington, and in its selection, he was guided, to some extent, by public estimation of the men he had named, as well as by his own conviction of their undoubted merit and ability.

Acting upon the same high principles which had governed him in these appointments, Washington named John Jay, as chief justice. The pre-eminent ability, integrity, and patriotism, and the pure moral character of this distinguished jurist, rendered him, in all points of view, most admirably adapted for this elevated and important post. In giving notice to Mr. Jay of his appointment, Washington wrote: "I have full confidence that the love which you bear to our country, and a desire to promote the general happiness, will not suffer you to hesitate a moment to bring into action the talents, knowledge, and integrity, which are so necessary to be exercised at the head of that department, which must be considered the key-stone of our political fabric." William Cushing, of Massachusetts; James Wilson, of Pennsylvania; Robert H. Harrison, of Maryland; John Blair, of Virginia; and John Rutledge, of South Carolina; all of them, men of distinction in the community, were nominated as associate

justices. The choice of these gentlemen, as associates with Mr. Jay, was, as Mr. Sparks says, "fortunate, and the court assumed a respectability and weight suited to the rank conferred upon it by the Constitution."*

Just before the close of the session, two resolutions were passed; the one declaring, "that the House considered an adequate provision for the support of public credit, as a matter of high importance to the national honor and prosperity;" the other, directing "the secretary of the treasury, to prepare a plan for that purpose, and to report the same to the House at its next meeting." Beside giving attention to the support of public credit, Congress was also not unmindful, that the people of the United States owed the blessings they now enjoyed to that Supreme Being, who guides and directs the affairs of men and nations; and that it was their duty publicly to acknowledge the source from whence those blessings flowed. The president, therefore, by a resolution of both Houses of Congress, was requested to recommend to the people of the United States, a day of public thanksgiving and prayer, to be observed, "by acknowledging with grateful hearts, the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness." 1789.

After a long and busy session, during which, as Marshall states, "perfect harmony subsisted between the executive and the legislature, and no circumstance occurred which threatened to impair it," Congress, on the 29th of September, adjourned to the first Monday in January, 1790.

With an extract from one of Washington's letters, written a few months later, we close the present chapter: "That the government, though not actually perfect, is one of the best in the world, I have little doubt. I always believed, that an unequivocally free and equal representation of the people in the legislature, together with an efficient and responsible executive, was the first pillar on which the preservation of American freedom must depend. It was indeed next to a miracle, that there should have been so much unanimity in points of such importance, among such a number of citizens, so widely scattered, and so different in their habits in many respects, as the Americans were. Nor are the growing unanimity and increasing goodwill of the citizens to the government, less remarkable than favorable circumstances. So far as we have gone with the new government, (it is completely organized, and in operation,) we have had greater reason than the most sanguine could expect to be satisfied with its success."

* Marshall, in his notices of the distinguished men who served their country at the organization of the government, takes occasion to speak of the vice-president in terms of praise: "As a statesman, this gentlemen had always ranked high in the estimation of his countrymen. He had improved a sound understanding by extensive political and historical reading; and perhaps no American had reflected more profoundly on the science of government. The exalted opinion he entertained of his own country was flattering to his fellow-citizens; and the purity of his mind, the unblemished integrity of a life spent in the public service, had gained their confidence."

CHAPTER V.

1789-1791.

ACTION OF THE FIRST CONGRESS.

Washington visits New England — North Carolina joins the Union — Congress reassembles — Washington's speech — The national debt — Hamilton's report — Plan proposed — Debate on the subject — Abstract of the discussion on the assumption of the state debts — Question settled, by compromising with those who wished the seat of government to be located on the Potomac — Plan finally adopted — Measures taken to provide for the payment of the national debt — Effect produced — Other matters before Congress — Dr. Franklin's death — Rhode Island joins the Union — Foreign influence exerted over the Indians — Treaty of peace with the Creeks — Hostilities in the north-west — Gouverneur Morris and English ministry — Result of Mr. Morris's labors — Acts of the third session of Congress — Washington's speech — Tax on ardent spirits distilled in the United States — Sharp debate — Bill to incorporate the Bank of the United States — Debate — Question of constitutionality — Bill passed — Object of the Bank, its capital, duration, etc. — Debate in the cabinet on the constitutional question — Vermont admitted into the Union — The census of 1790 — Close of the session — Marshall's remarks. Appendix to Chapter V. Was, or was not the creation of the Bank of the United States, a constitutional act?

During the recess of Congress, Washington, who had been seriously ill in June,* determined to avail himself of the opportunity to make a tour through the eastern states; and it was his hope, both to observe the growing prosperity of the people, and also to effect a complete restoration of his impaired health and strength. He set out on the 15th of October, accompanied by Mr. Lear, and Mr. Jackson, his secretaries, and travelling in his own carriage, proceeded by way of New Haven, Hartford, Worcester, Boston, Salem, and Newburyport, as far as Portsmouth, in New Hampshire. Returning by a different route through the interior, he reached New York on the 13th of November.

1789.

Washington had every reason to be gratified with this visit. Apart from the stirring memories of other and darker days, he could not but be moved by the universal enthusiasm of the people. They crowded round him by thousands, wherever he appeared, and every possible mark of respect and veneration was bestowed upon him. They vied with each other in the display of hospitality; and parents brought their children to look with wondering and loving eyes upon the great and good man, whose name can never die.

Soon after his return to New York, Washington learned that General Lincoln, Mr. Griffin, and Colonel Hum-

* "It was a case of anthrax; so malignant, as for several days to threaten mortification. On one occasion, being left alone with Dr. Bard, General Washington, looking steadfastly in his face, desired his candid opinion, as to the probable termination of the disease; adding, with that placid firmness which marked his address: 'Do not flatter me with vain hopes; I am not afraid to die, and therefore can bear the worst.' Dr. Bard's answer, though it expressed hope, acknowledged his apprehensions. The president replied, 'Whether to-night, or twenty years hence, makes no difference; I know that I am in the hands of a good Providence.'"—Rev. Professor McVickar's "*Life of Dr. Samuel Bard*," p. 136.

phreys, who had been deputed to treat with the Creek Indians, had not been successful in their negotiations. They had met M'Gillivray, with other chiefs, and about two thousand men, at Rock Landing, on the frontiers of Georgia; but M'Gillivray, who was probably influenced very much by his Spanish connections, abruptly broke off the negotiation. As a compensation for this unpleasant news, the president was greatly gratified, by receiving intelligence, that North Carolina, on the 21st of November, had ratified the Constitution, and thus become one of the United States of America.*

On the 8th of January, 1790, Congress reassembled. In his speech, which was delivered from the chair of the vice-president, Washington spoke of the general prosperity of the country, and recommended a number of important objects to their consideration. Providing for the common defence was urged upon the attention of Congress. "To be prepared for war, is one of the most effectual means of preserving peace. A free people ought not only to be armed, but disciplined; to which end, a uniform and well-digested plan is requisite; and their safety and interest require that they should promote such manufactories as tend to render them independent on others for essential, particularly for military supplies." Suggesting the propriety of providing the means of keeping up their intercourse with foreign nations, and the expediency of establishing a uniform rule of naturalization, and expressing his confidence in their attention to many improvements essential to the prosperity of the interior, the president commended to their care, the promotion of literature and science. "Knowledge," he added, "is, in every country, the surest basis of public happiness. In one in which the measures of government receive their impression, so immediately from the sense of the community, as in ours, it is proportionably essential." "Whether this desirable object will be best promoted, by affording aids to seminaries of learning already established, by the institution of a national university, or by other expedients, will be well worthy of a place in the deliberations of the legislature." After alluding to the necessity of giving earnest attention to the providing an efficient system for the support of public credit, Washington closed his opening speech. Both Houses, in their answers, demonstrated the cordiality and harmony which existed between the Executive and Congress.

1790.

Hamilton, it will be recollected, was directed by the House, to prepare a plan for the support of public credit. His report, containing the plan which he proposed, with the reasons therefor,

* As matters of general interest, we may mention here, that the principal exports from the New England states were provisions, lumber, and pot and pearl ashes. Wheat was the staple commodity of the middle states; and Indian corn, tobacco, rice, and cotton, were exported from the southern states. The whole amount of exports from the United States, in the year 1789, amounted to $16,000,000. The chief manufactories were those of iron, leather, skins and paper, which were extensively established in various parts of the United States. Woollen cloths were also manufactured in some of the states; and commerce to a considerable extent was carried on with Europe, and the East and West Indies.

was submitted to the House, on the 15th of January.

The national debt, it is to be borne in mind, had its origin principally in the Revolution, and was of two kinds, foreign and domestic. The total amount, according to the estimate of the secretary of the treasury, was about $54,000,000. Of this sum, the foreign debt, which was due mostly to France, and the Hollanders, amounted to nearly $12,000,000, including the interest; and the domestic debt, including a large amount of interest, reached to the amount of about $42,000,000. Besides these, there was another species of debt, which had been contracted by the several states, during the war, and for the purposes of the war, such as, erecting works of defence, furnishing provisions, clothing, munitions of war, and the like, for the army, advancing pay and bounties, etc. These state debts were estimated at about $25,000,000.

1790.

The report of the secretary was full, lucid and comprehensive, and it entered at large into the momentous question which was then to be settled; for Hamilton was no ordinary statesman, and whatever might be the result of the plans he proposed, no one could doubt that they were urged with arguments of great power, and with a courage and consistency, that extorted praise from his most determined opponents. That the foreign debt should be paid strictly according to the terms of the contract, no one pretended to deny; but with respect to the domestic debt, wide differences of opinion prevailed. Hamilton argued, that the national faith and honor demanded the payment of the debt due to citizens and others holding the public pledges for such payment; and that it was "equally unjust and impolitic, highly injurious, even to the original holders of public securities, and ruinous to public credit," to undertake to discriminate between those who originally held the public securities, and those to whom they had been conveyed by purchase or otherwise. Hamilton also frankly and fearlessly declared himself in favor of the assumption of the several state debts. He earnestly opposed making any difference between the creditors of the Union and those of the states. Both descriptions of debt were contracted for the same objects, and were in the main the same. Equity required the same measure of retribution for all. There were many reasons, some of which were stated, for believing this would not be the case, unless the state debts should be assumed by the nation. His proposition, accordingly, was, to open a loan to the full amount of the debt, as well of the particular states as of the Union. Having expressed his doubts, whether, in addition to all other expenses, it was in the power of the United States, to make a secure and effectual provision for the payment of the interest of so large a sum, on the terms of the original contracts, he submitted to the House several plans for the modification, security, and payment of the domestic debt, on the principles and reasonings set forth in his report; and to enable the treasury to bear an increased demand upon it, he recommended an augmentation of duties

on imported wines, tea, etc., and a duty on home-made spirits.

The subject was taken up by the House, on the 28th of January, but having been postponed, was resumed again on the 8th of February.* Mr. Fitzsimmons brought forward resolutions, affirming the principles of the report. The House, without a dissenting voice, agreed to provide for the foreign debt; but the resolution in favor of appropriating permanent funds for the payment of the interest on the domestic debt, and for the gradual redemption of the principal, gave rise to a very animated debate. Mr. Jackson was hostile to the funding system altogether. Mr. Scott avowed the opinion, that the United States were not bound to pay their domestic creditors the sums specified in their certificates of debt, because the original holders had parted with them at two shillings and sixpence in the pound. He therefore moved an amendment, requiring a resettlement of the debt. This amendment was opposed by Mr. Sherman, Mr. Ames, and others, and was negatived by the House.

1790.

Mr. Madison, on the 11th of February, rose, and, in an eloquent speech, proposed an amendment to the resolution, the effect of which was to pay the present holder of assignable paper the highest price it had borne in the market, and to give the residue to the original creditor. The debate was long, keenly argued, and deeply interesting. On the question being put, February 22d, the amendment was rejected by a vote of yeas, 13; nays, 36.*

The subject of the state debts next came up, and the proposition to assume them, affecting, as it did, "political interests and powers, which are never to be approached without danger, seemed to unchain all those fierce passions, which a high respect for the government, and for those who administered it, had in a great measure restrained."

1790.

The debts of the several states were very unequal, from the nature of the case. Those of Massachusetts, and South Carolina, amounted to more than $10,500,000; while the debts of all the other states were estimated at between $14,000,000 and $15,000,000. Naturally, these differences led to invidious comparisons, and roused up pas-

* See Senator Benton's "*Abridgement of the Debates of Congress*," vol. i., pp. 182–4; 190–201.

* Mr. Benton's note upon this, in his "*Abridgement of the Debates*," (vol. i., p. 228,) is as follows: "The motion of Mr. Madison was lost, and with it the largest door was opened to the pillage of original creditors, the plunder of the public treasury, and the corruption of Congress, which the history of any government has ever seen. The immediate mischief was some thirty millions: it was only the beginning. Assignees of claims have since been the great suitors of Congress; purchasing for a trifle, and upon speculation; pursuing the recovery by indirect means; taking no denial; and gaining in the end what was scouted at the start. It has given rise to a new profession; a new industrial pursuit, still more industrious by night than by day; hunting up claims; pressing them upon Congress; and by organization, skill, perseverance, appliances, and seductions, carrying through the most unfounded demands." The student of history, reading such statements as these from a senator of the age and character of Mr. Benton, will deem this subject worthy of his careful examination. We will only say, that it is due to the eminent men in the first Congress, as well as to the character of our national legislature, that charges so grave, should be most thoroughly and faithfully investigated.

sions which ought never to have made their appearance in Congress.

The first proposition on this subject in the House of Representatives, was to assume the whole of these debts. This was at first adopted, in committee of the whole, by a small majority. Afterwards, when the members from North Carolina took their seats, the subject was recommitted, and negatived by a majority of two; thirty-one to twenty-nine. Propositions were afterwards made, to assume specific sums from each, but were negatived. These various propositions occasioned long and violent debates among the members from different states, and led to an inquiry into the origin of the state debts, and to a comparative view of the different exertions and expenses of the states themselves, in their struggle for independence.

Those in favor of the assumption contended, that it was a measure of *justice* as well as *policy*.* That it was just in respect to the creditors themselves, as well as to the states. These debts, it was said, were incurred for services rendered, supplies furnished, or loans made, not for the particular benefit of the individual states, but for the benefit of the Union, for the common cause in which all were embarked. Justice, therefore, required that the persons to whom they were due, should be placed on the same footing with those who had a direct claim on the United States; and that both be paid out of a common fund. That although some states might be able to provide ample funds for the payment of their debts; yet others, destitute of like resources, burdened with a larger debt, occasioned, perhaps, by greater exertions in the common cause, might be unable to make adequate provision. One class of creditors, therefore, who happened to live in a large state, abounding in wealth and resources, and, perhaps, with a comparatively small debt, might be paid in full; while another, equally meritorious, living in a small state, having a large debt, and destitute of resources, might receive little or nothing. It would be just, in respect to the states, as in this way each would bear its proportion of the expenses incurred for one common object. It was to be considered also, it was said, that no inconsiderable proportion of the state debts was incurred at a time when the United States had little or no credit. It was also strongly contended, that as the Constitution had transferred to Congress the principal funds on which the states had relied for the payment of their debts, it was just that the debts should follow the funds.

The policy of the measure, its advocates said, was not less apparent than its justice.

A provision for these debts by the states themselves, would necessarily create an interference between the general and state governments in their revenue systems, highly injurious, if

* This abstract of the discussion is quoted principally from Pitkin, vol. ii., pp. 341–44. The reader will find it to his advantage, to compare the more elaborate array of the arguments on both sides, in Marshall, vol. ii., pp. 183–89. See also Tucker's "*Life of Jefferson*," vol. i., pp. 325–28; and Benton's "*Abridgement of the Debates of Congress*," vol. i., pp. 190–201.

not ruinous to both. The United States having the *exclusive* power to lay imposts, most of the states must have recourse to excises and direct taxes. These, it was said, must be very unequal in different states, in consequence of the inequality of their debts. Great burdens, therefore, would be thrown on those states, whose exertions had been greatest in the common cause; and jealousies and dissatisfaction must be the necessary consequence. In those states where recourse was had to direct taxes, a greater burden would be thrown on the landed interest, and this would produce emigration to other states less oppressed with taxes of this description. Where resort was had to excises, which would be laid on foreign as well as domestic articles, greater inducements would be held out to smuggling, materially affecting the revenue of the United States. In addition to this, commercial advantages might be greater in some states than in others, and a transfer of capital from one state to another be thereby encouraged. The collection of the same amount of taxes, it was said, might be made with less expense, under the direction of one government, than under several; and by having the general management of the revenues of the country in their hands, the national legislature would be enabled more fully to promote domestic industry and improvement throughout every part of the Union.

In the course of the debates on this interesting question, it was stated by the advocates of the assumption, that a difference in the amount of state debts did not arise solely from a difference in exertions during the war; but that the debts of some states were lessened by the avails of confiscated property, and from territorial acquisitions. And it was asked, whether those, by whose offences a confiscation of property had been incurred, had not offended against United America, and not merely against that state, where the offence was committed, and which alone received the benefit of the confiscation? And whether the acquisition of territory, was not owing to the exertions of the national force, under national direction?

The opponents of the measure were not less decided in opinion that it was both *unjust* and *impolitic*, whether it went to a general or a partial assumption.

They denied that the state debts could be considered, in any way, the debts of the Union, or that the United States were under obligations to discharge any part of them, except the balance, which, on a final settlement, should be found due to particular states. If they were the debts of the United States, in the hands of individuals, it was asked, whether they were not equally so, when in the state treasuries? Whether the United States were not equally bound to provide for them in both situations? Before the adoption of the Constitution, it was said, they had never been so considered. They contended, also, that not being the debts of the Union, Congress were not warranted by the Constitution, in assuming the payment of them.

As to the policy of the measure, its opponents said, among other things, if a public debt was a public evil, the assumption would increase and perpetuate the evil. That the United States, and the individual states together, could discharge a debt of eighty millions much sooner than the United States alone. That after the general government had resorted to all the means of revenue in its power, the individual states would have other financial resources still remaining. It was, also, particularly urged, that each state could raise money, in a way most convenient for itself, and to which they had been accustomed. Some of the states, they said, were hostile to excises, others to direct taxes; and that no general system of internal taxation could be established, adapted to the circumstances of each state, or which would give general satisfaction.

Some of the states had, by their exertions, paid a greater proportion of their debts, than others, and it would be unjust, they alleged, to compel them to contribute to the payment of the debts of the delinquent states. In answer to the suggestion, that unless the measure should be carried, great dissatisfaction would exist in some of the states, it was said, that much greater dissatisfaction would follow from its adoption. A majority of the people of the United States, it was believed, was opposed to it; and the discordant interests, as well as jealousies among the states, now too much felt, would be thereby greatly increased.

The opposers of the assumption, also stated, that the adoption of the measure, would render state creditors more dependent on the general government; that it would greatly lessen the influence and importance of the states, and tend to consolidate the Union. The debts of Massachusetts and South Carolina, as stated above, amounted to nearly one half of those of all the others. These states, therefore, felt a deep interest in the question. The legislature of South Carolina, in January, 1790, instructed their representatives in Congress, to solicit the national legislature to assume their debt, "it having been incurred," as they said, "in consequence of the war between the United States and Great Britain." And in regard to Massachusetts, it was stated by Mr. Ames, that the first ammunition used at Lexington and Bunker Hill, was purchased by the state, and appeared in the form of the state debt. Virginia, North Carolina, and Georgia, were most strenuous in their opposition.

The proposition to assume specific sums from each state having been rejected, as above stated, by the House, notwithstanding the animated debate on the subject, the bill was sent up to the Senate, with a provision for those creditors only, whose certificates of debt purported to be payable by the Union. 1790.

In this condition of affairs, when, to all appearance, the question was about to be decided against the assumption of the state debts, another measure was pressed upon the attention of Congress, which, by a species of giving and taking, well understood in legislative bodies, was so well timed, and

well arranged, as to enable its advocates to obtain a majority in favor of the assumption. We refer to the question of the permanent site of the capital of the United States. This subject had been before Congress on a number of occasions, and it was deemed imperative, that some place should be fixed upon, where the national legislature might exercise proper authority, to protect itself from insult or attack, like that to which it had been subjected by the Pennsylvania mutineers in 1783. In September, 1784, as Marshall states, an ordinance had been passed for appointing Commissioners to purchase land on the Delaware, in the neighborhood of the falls, and to erect the necessary buildings thereon; but the southern interest had been sufficiently strong to arrest the execution of this ordinance, by preventing an appropriation of funds, which required the assent of nine states. Under the existing government, many different places, from the Delaware to the Potomac inclusive, had been earnestly supported; but a majority of both Houses had not concurred in favor of any one place. Attempts had been made, with as little success, to change the temporary residence of Congress. At length, a compact respecting the temporary and permanent seat of government was entered into between the friends of Philadelphia and the Potomac, stipulating that Congress should hold its sessions in Philadelphia for ten years, during which time buildings for the accommodation of government, should be erected at some place on the Potomac, to which the government should remove, on the expiration of that time. This compact having united the representatives of Pennsylvania and Delaware with the friends of the Potomac, a majority was obtained in favor of both situations; and a bill brought into the Senate in conformity with this arrangement, passed both Houses by small majorities.*

This having been done, and the site of the federal city fixed, two of the Potomac members, White and Lee, who heretofore were opposed to the assumption, now changed their votes, and declared themselves in its favor; and thus the majority was changed. The amendment which had been negatived, was now carried, and $21,000,000 of the state debts, were assumed in specified proportions. The Senate gave a majority of two in its favor, and the House concurred, by a majority of six. 1790.

It must be confessed, we think, that however important either or both the measures adopted may be considered, it does not tend to elevate a legislative body very highly, to have it plainly before our eyes, that these great results owed their success to compromises, or bargains, instead of convictions of truth, and right, and duty.

The plan finally concluded upon, was adopted near the close of the session.†

* For the secretary of state's sharp, and not altogether good-tempered account of the manner in which, as he says, he "was most ignorantly and innocently made to hold the candle" to Hamilton's "fiscal manœuvre," for assuming the state debts, see "*The Anas*," Jefferson s Works, vol. ix., p. 92; and Tucker's "*Life of Jefferson*," vol. i., pp. 329–31.

† It may be worth noting, that the House of Delegates, in Virginia, in November, 1790, declared this

A loan was opened of $12,000,000, or whatever sum was needed to pay the arrears of interest and instalment of the foreign debt; or of an amount sufficient to pay the whole, if possible, the period to be limited to fifteen years. A new loan of the whole of the domestic debt, was proposed on the following terms: two-thirds of the principal, to draw an interest of six per cent., after the first of January, 1791, and the other third, to draw the same interest, after the year 1800; the arrears of interest to draw three per cent., after January, 1791. The debt drawing six per cent., to be redeemable by payments, not exceeding in one year, eight per cent., on account both of principal and interest; and the three per cents. were made redeemable, at the pleasure of the government. The $21,000,000 of the state debts were apportioned among the states, having regard to the amount of the debts of each.* The sum thus assumed, was also to be loaned to the United States, by individuals holding certain evidences of state debts, but on terms somewhat different from those of the domestic debt. Four-ninths was to bear an interest of six per cent., commencing on the first of January, 1792, two-ninths to draw the same interest after the year 1800, and the other three-ninths, an interest of three per cent. from January, 1792.

1790.

The amount of the debt of each state assumed and subscribed to the loan, was to be a charge against such state, in account with the United States. To complete a settlement of the accounts between the states and the United States, a board, consisting of three commissioners, was established during this session; the determination of a majority of them to be final and conclusive. In this settlement the Commissioners were empowered to decide, according to the principles of general equity. The rules prescribed for their proceeding were, to debit each state with all advances, which had been, or might be made to it, by the United States, with the interest thereon, to the last day of the year 1789; and to credit each state, for its disbursements and advances, with interest to the same period;* and having struck the balance due to each state, were to find the aggregate of all the balances, and this aggregate was to be apportioned between the states, by the same rule, as prescribed in the Constitution, for the apportionment of representation and direct taxes, and according to the first enumeration which should be made. The balances found due to the states, were to be funded on the same

action of Congress to be unconstitutional, dangerous to the interests of the people, and highly injurious to the rights of several of the states; and thus took the lead among state legislatures, in censuring the acts of the general government.

* The following is the apportionment among the states:—New Hampshire, $300,000; Massachusetts, $4,000,000; Rhode Island, $200,000; Connecticut, $1,600,000; New York, $1,200,000; New Jersey, $800,000; Pennsylvania, $2,200,000; Delaware, $200,000; Maryland, $800,000; Virginia, $3,200,000; North Carolina, $2,200,000; South Carolina, $4,000,000; Georgia, $300,000.

* Pitkin, vol. ii., p. 538, gives an abstract of the accounts of the respective states, for expenses incurred during the Revolution, as allowed by the Commissioners, who completed the settlement of the said accounts in 1793.

terms as the other part of the domestic debt, but not to be transferable.

The national debt having thus been brought into a tangible shape, the measures necessary for its payment were taken at as early a date as was practicable. Being, from the nature of the case progressive, some years elapsed before the system was completed. Beside the duties on imports, passed at the first session of Congress, a duty on the tonnage of vessels was imposed at the second session; and the nucleus of a sinking fund was created, by appropriating the revenue for the current year, deducting previous appropriations, to the purchase of the debt, at its then low value. The president was also authorized to borrow $2,000,000 for the same purpose, and the interest accruing on the stock bought in, was to be applied to repay the loan. The proceeds of the public lands, when sold, had previously been pledged to the discharge of the debt. 1790.

The effect produced by these measures for sustaining the public credit, was of the most marked description upon the whole country. The increase in the money capital invigorated commerce, roused the active energies of the people, and stimulated anew, agricultural and other pursuits. And it soon became evident, that prosperity was plainly within the reach of the industrious and enterprising citizens of the United States. "Politically considered, however," as Mr. Sparks remarks, "the funding system had an unhappy influence. It widened the breach of parties, produced irritations, and excited animosities. Nor was it to be expected, that the adversaries of the plan, and these a large minority, would readily change their opinion, after the strenuous opposition they had shown, or cease from their hostility. The president expressed no sentiments on the subject, while it was under debate in Congress, but he approved the act for funding the public debt, and was, undoubtedly, from conviction, a decided friend to the measure."

Various other matters occupied the attention of Congress during this laborious session. The question of the slave trade was brought up by a petition from the Quakers in Pennsylvania, Delaware, and other states, and the venerable Dr. Franklin, as president of the Pennsylvania Society for promoting the Abolition of Slavery, sent in a memorial, early in February, asking the serious attention of Congress to the importance and duty of extending to the negroes the blessings of freedom. The subject was discussed at great length, and with much warmth on both sides; and toward the close of March, it was resolved, "that Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the states."* Laws for 1790.

* The last paper, which Dr. Franklin wrote, was on the subject of slavery. "Mr. Jackson, a member of Congress, from Georgia, had made a speech in favor of negro slavery. An ingenious parody of this speech was composed by Dr. Franklin, in which Sidi Mehemet Ibrahim is represented as speaking, in the Divan of Algiers, against granting the petition of a sect called *Erika*, who prayed for the abolition of piracy and slavery, as being unjust. In this pretended speech of Ibrahim, the same principles were

the naturalization of aliens, after two years' residence, for the patenting of useful inventions, and for securing to authors the copyright of their works; and others, regulating the mercantile marine of the Union, in respect to the seamen engaged in it; and forming a groundwork for a criminal code; for the ordering of what was called "the military establishment," only twelve hundred and sixteen rank and file, and for arranging the means of intercourse with the Indians in respect to trade and the acquisition of their hunting-grounds, and with European governments for the larger commerce which required the superintendence of resident ministers;—these were duly considered and framed. And other business, such as voting for the public service, under the heads of the civil list, pensions for revolutionary services, the military establishment, lighthouses, embassies, and outstanding debts, the moderate sum of about $725,000.

Both Houses, having returned thanks to the corporation of the city of New York, "for the elegant and convenient accommodations furnished the Congress of the United States," adjourned, on the 12th of August, to meet again in December, in the city of Philadelphia.

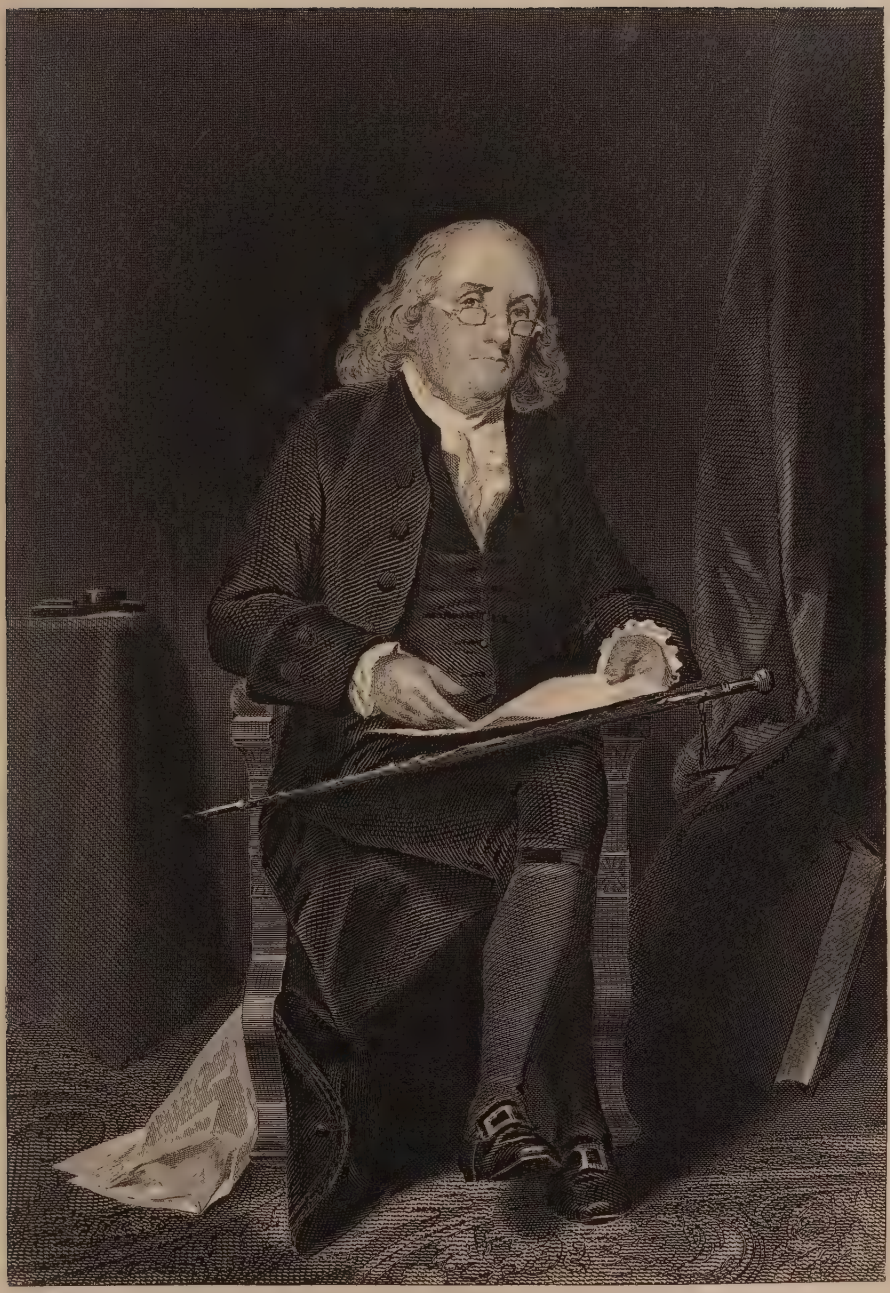
1790.

It is but right to put on record here, that Benjamin Franklin, the patriot and the sage, after painful and protracted sufferings, closed a life of fourscore and four years on the 17th of April, 1790. He was buried in the cemetery of Christ Church, Philadelphia, and his funeral was attended by more than twenty thousand of his fellow-citizens. Congress resolved to wear the customary badge of mourning for one month, "as a mark of veneration due to the memory of a citizen, whose native genius was not more an ornament to human nature, than his various exertions of it have been precious to science, to freedom, and to his country." In the National Assembly of France, Mirabeau eloquently dilated in praise of the illustrious deceased, and Lafayette seconded the motion for a decree, ordering the members to wear the usual badge of mourning for three days; and there was not a land blessed with the light of civilization, which did not lament his death, and pour forth expressions of sorrow for the loss which not only America, but the world had sustained.

An act was passed by Congress to accept the cession of the claims of the state of North Carolina, to a certain district of western territory; and on the 20th of May, provision was made for its government, under the title of "The Territory of the United States south of the River Ohio."

On the 29th of May, 1790, Rhode Island, who had become somewhat more alive to her true interests, and to the ill results which must certainly follow her exclusion from the Union, adopted the Constitution, and cast in

advanced, and the same arguments were used in defence of plundering and enslaving Europeans, that had been urged by Mr. Jackson, in justification of negro slavery. It is dated only twenty-four days before the author's decease; and, as a specimen of happy conception and sound reasoning, it is not inferior to any of his writings."—Sparks's "*Life of Franklin*," p. 527; also "*Franklin's Works*," vol. ii., pp. 517–21.



Benj.ª Franklin.

her lot with the sister states, for the great future which was opening before them all.

Washington, who had, on his previous tour, avoided going to Rhode Island, took occasion, on the adjournment of Congress, to pay a week's visit to that state. But a return of severe illness, caused by constant application to business, urged him to seek repose and recreation for a short time, at least. He accordingly hastened, in September, with increased pleasure, to the retirement of Mount Vernon, and gave himself to the delightful occupation of seeing to his farm, and the progress of his agricultural operations.

While Congress were busily occupied with the numerous and important subjects which were before them, the foreign relations of the United States were not in a satisfactory position. We have briefly spoken of this matter on a previous page, (see p. 273;) and we are sorry to say, that the president's anxieties were not lessened by events subsequent to his entrance upon his high office. The Indians on the frontiers were, nearly all of them, hostile to the United States; and the task of conciliating and appeasing them, difficult enough under any circumstances, was rendered greatly more difficult by the foreign influence which kept alive their enmity, and urged them to fresh acts of outrage. British agents were at work on the northern frontier, and in the south the Spaniards intrigued with the Creeks and other tribes, keeping them in a state of irritation and excitement very unfavorable to the pacific overtures of Washington. His wishes and exertions were sincerely for the best good of the Indians; and he ever sought to treat them with justice and humanity, and by degrees to meliorate their condition, and add them to the number of the citizens of the United States. Determined to make another effort at negotiation, (see page 283,) the president dispatched Colonel Willet, an able officer of the army, into the Creek country, ostensibly on private business, but with a letter of introduction to Alexander M'Gillivray, who was at the head of the nation, and with instructions to induce, if possible, the Creek chiefs to repair to New York, in order to effect a solid and lasting peace. Willet performed these duties with so much dexterity, that M'Gillivray, with the other chiefs, were persuaded to come to New York, where fresh negotiations commenced, which, on the 7th of August, 1790, terminated in the establishment of peace.

1790.

The efforts of Washington to effect a peace with the hostile Indian tribes north-west of the Ohio having failed, there was no alternative but to carry war into their settlements and compel them to terms. On the 30th of September, General Harmar set out, with something more than fourteen hundred men, to attack the Indians on the Scioto and Wabash. He was successful in destroying their villages and the produce of their fields; but in an engagement near Chilicothe he was defeated, with a loss of about two hundred men, and a number of gallant officers.

Notwithstanding the unhandsome course pursued by the British court,

who had refused to appoint a minister to the United States, Washington deemed it every way desirable to seek full explanations with England. The subjects for discussion were of peculiar delicacy, and could not be permitted to remain unadjusted without hazarding the most serious consequences. In October, 1789, the president had resolved on taking informal measures to sound the British cabinet, and to ascertain its views respecting the points of controversy between the two nations. This negotiation was entrusted to Mr. Gouverneur Morris, who was, at the time, in Europe, on private business. In his conferences with the Duke of Leeds and with Mr. Pitt, those ministers expressed a wish to be on the best terms with America; but repeated the complaints which had been made by Lord Carmarthen of the non-execution of the treaty of peace on the part of the United States. In a subsequent note, the Duke of Leeds avowed the intention, if the delay on the part of the American government to fulfil its engagements should have rendered its final completion impossible, to retard the fulfilment of those which depended entirely on Great Britain, until redress should be granted to the subjects of his majesty on the specific points of the treaty itself, or a fair and just compensation should be obtained for their non-performance. 1790.

Difficulties having arisen between Great Britain and Spain, and it appearing probable, that war might break out at an early day, it was thought to be a favorable juncture for urging the claims of the United States to the free navigation of the Mississippi. Mr. Carmichael, their chargé d'affaires at the court of Madrid, was instructed not only to press this point with earnestness, but to use his utmost endeavors to secure the unmolested use of that river in future, by obtaining a cession of the Island of New Orleans, and of the Floridas.

The opinion was seriously entertained by the American government, that, in the event of a war between England and Spain, Louisiana would be invaded from Canada; and the attention of the president was turned to the measures which would be necessary in case such an attempt was made. Marshall* gives an account of the informal intercourse with Lord Dorchester, Governor of Canada, on the subject of existing relations, and the course which the United States would be likely to pursue in the event of war with Spain. Mr. Morris having communicated to the president the state of affairs in England, Washington deemed it useless, and even dishonorable, to press a commercial treaty, and accordingly withdrew the powers entrusted to Mr. Morris. About the same time, the dispute between Great Britain and Spain was adjusted, the latter yielding the main points at issue, under the conviction of her inability to cope with her great adversary.

Congress commenced its third session on the 6th of December, 1790, and continued actively engaged in public affairs until its close, March 3d, 1791. Two important measures were brought forward, keenly 1790.

* "*Life of Washington*," vol. ii., p. 196.

and vehemently discussed, and finally adopted. We refer to the tax on ardent spirits distilled in the United States, and a national bank.

Washington delivered an able and interesting opening speech, in which he took a comprehensive view of the external and internal interests of the nation, concluding with the following impressive words: "In pursuing the various and mighty business of the present session, I indulge the fullest persuasion that your consultations will be marked with wisdom, and animated by the love of country. In whatever belongs to my duty, you shall have all the cooperation which an undiminished zeal for its welfare can inspire. It will be happy for us both, and our best reward, if, by a successful administration of our respective trusts, we can make the established government more and more instrumental in promoting the good of our fellow-citizens, and more and more the object of their attachment and confidence." The addresses from the two Houses were in harmony with the president's speech. It may be noted, however, that Mr. James Jackson, from Georgia, in the House of Representatives, took occasion in the debate on the answer to the speech, to censure the course pursued by Washington in regard to certain lands claimed by Georgia, but relinquished by the treaty to the Creeks.

According to the statements of the secretary of the treasury, additional revenue was required for meeting national obligations. This led to his recommending an additional impost on foreign distilled spirits, and of a duty on spirits distilled within the United States. A sharp and even angry debate ensued, the southern and western members being particularly warm in their opposition. When required to produce a system in lieu of that which they so much execrated, the opponents of the bill alternately mentioned an increased duty on imported articles generally, a particular duty on molasses, a direct tax, a tax on salaries, pensions, and lawyers, a duty on newspapers, and a stamp act. But, as was shown, no one of these was as feasible a means of raising the revenue demanded; consequently, on the 27th of January, the bill passed by a vote of thirty-five to twenty-one. **1791.**

A few days afterwards, the bill to incorporate the subscribers to the Bank of the United States, having been sent from the Senate, was read the third time, and the question was now on its passage. Quite unexpectedly, it would seem, a strong and determined opposition sprang up at this point, and the debate for the following week was of the most ardent character, and called forth the ablest efforts of such men as Madison, Giles, Stone, and others, *against*, and of Ames, Boudinot, Gerry, Vining, and others, *for* the bill.* **1791.**

The argument turned mainly upon the constitutional authority of Congress to pass an act incorporating a national bank. On the one hand, it

* The reader will be well repaid, by carefully perusing the debates, as given in Senator Benton's "*Abridgement of the Debates of Congress*," vol. i., pp. 272–308.

was contended, that Congress had no such power under the Constitution, as would enable them to create this or any other corporation; and also, that so large a moneyed institution would, in its effects, be extremely injurious to the community. On the other hand, it was argued, that the establishment of a bank, though not named in the Constitution, was among the powers contemplated by that instrument, which gave Congress authority to make all laws *necessary* and *proper* for carrying into execution the powers expressly granted. The advocates of the bank claimed, that it was equally necessary and proper, and that similar institutions had been required in all well regulated communities, for the management of the finances, and for the attainment of the great ends of civil government. The opponents of the bank denied its necessity or utility, and asserted that the construction of the Constitution, given by the gentlemen on the other side, was too broad and dangerous to be admitted, they maintaining, that no means were to be held "necessary" for the purpose of carrying into execution the specified powers, except those, without which, the powers granted would be nugatory, or the ends contemplated absolutely unattainable.*

On the 8th of February, 1791, the bill was passed, by a vote of thirty-nine to twenty. The preamble gave, as the principal reasons for its adoption, "that it would be conducive to the successful conducting of the national finances, give facility to the obtaining of loans for the use of the government, in sudden emergencies," and would also "be productive of considerable advantage to trade and industry in general." 1791.

The capital stock of the bank was $10,000,000; of which $2,000,000 were subscribed for the benefit of the United States, and the residue by individuals. One-fourth of the sums subscribed by individuals, was to be paid in gold and silver, and three-fourths in the public debt. By the act of incorporation, it was to be a bank of discount as well as deposit, and its bills, which were payable in gold and silver, on demand, were made receivable in all payments to the United States. The bank was located at Philadelphia, with power in the directors, to establish offices of discount and deposit only, wherever they should think fit, within the United States. The question of establishing branches elsewhere, than at the seat of government, it may be noted, was not disputed at the time. That point came up at a later date.

The duration of the charter was limited to the 4th of March, 1811; and the faith of the United States was pledged, that during that period, no other bank should be established under their authority. One of the fundamental articles of the incorporation was, that no loan should be made

* Marshall gives a careful *résumé* of the arguments on both sides of this important constitutional question. We deem it of sufficient interest and value, to quote it in full, in the Appendix, at the end of the present chapter. Tucker, in his "*Life of Jefferson*," vol. i., pp. 341–46, presents a condensed view of the arguments, by which the constitutionality of a bank of the United States was assailed and defended.

to the United States, for more than $100,000, or to any particular state for more than $50,000, or to any foreign prince, or state, unless previously authorized by a law of the United States. The books were opened for subscriptions, in July, 1791, and, in two hours' time, the whole number of shares offered was taken up.

Not only in the House, but also in the cabinet, this question of constitutional power excited earnest discussion. **1791.** Jefferson and Randolph opposed the establishment of the bank; Hamilton and Knox advocated its constitutionality; Washington, with that cautious wisdom which characterized his course, required of each member of the cabinet, a statement of his views and reasonings in writing; having carefully weighed and deliberated upon the subject, he affixed his signature to the act.

Chief Justice Marshall, after calling attention to the fact, that the judgments of men are frequently influenced more than they are aware, by their wishes, their affections, or the theories they may entertain on political subjects, goes on to state, that "this measure made a deep impression on many members of the legislature, and contributed, not inconsiderably, to the complete organization of those distinct and visible parties, which, in their long and dubious conflict for power, have since shaken the United States to their centre."*

Early in January, 1791, a convention was held at Bennington, Vermont, which adopted the Federal Constitution, and applied to Congress, to be admitted into the Union. New Hampshire and New York had both laid claim to the territory of this state, and both had made grants of land within its limits. In 1777, the inhabitants refusing to submit to either, declared themselves independent. After a long and vexatious controversy, the various disputes were put to rest, and on the 18th of February, Vermont was admitted, by an act of Congress, into the Union.†

In the census of the United States, ordered in 1790, the entire population was classified into five divisions only; and these, with the totals under each, we give. 1st. Free white males, under sixteen years of age, 802,127; 2d. Free white males, above the age of sixteen, 813,498; 3d. Free white females, 1,556,-839; 4th. All other persons, except Indians, not taxed, 59,466; 5th. Slaves, 697,897; in all 3,929,827 souls.

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* "*Life of Washington*, vol. ii., pp. 206. Pitkin, writing in 1827, is also worth quoting: "Experience has proved the expediency, if not the absolute necessity, of an institution of this kind, to enable the government to manage its great concerns; and has likewise evinced the profound, and almost unerring judgment of that great man, who, as chief magistrate, gave it his sanction. Though this question, for many years afterwards, agitated the public mind, and divided the national councils; yet the late establishment of a national bank, (1816,) with a capital of $35,000,000, with the approbation and consent of those, heretofore opposed to it on constitutional grounds, must rescue the names of the authors of the first bank, from the reproach then cast upon them, for a violation of the Constitution; and has, it is presumed, put the question at rest."

† Kentucky, at that time a part of Virginia, applied, as Washington informed Congress, in his speech, for admission into the Union. He spoke in high terms of the harmony and liberality of feeling on both sides, and of the warm attachment of the Kentuckians to the Union.

Beside the establishment of the bank of the United States, and the passage of the Excise Law, Congress resolved upon having a mint for the national coinage; it authorized an increase of the army, and the raising a military force to resist the Indians, and provided for the maintenance of these additional troops; it also appropiated above $1,200,000 to various branches of the public service, making the expenses of the year $4,000,000, part of which had to be met by loans, since the surplus of the former year had been applied to the paying off part of the national debt, as a former act of Congress had directed. We may mention in this connection, that the exports of the year were computed to amount to some $19,000,000, and the imports to about $20,000,000.

On the 3d of March 1791, the first Congress elected under the Constitution, terminated its busy and important career. "The party denominated federal," as Marshall remarks, "having prevailed at the elections, a majority of the members were steadfast friends of the Constitution. To organize a government, to retrieve the national character, to establish a system of revenue, and to create public credit, were among the arduous duties which were imposed upon them, by the situation of their country. With persevering labor, guided by no considerable portion of virtue and intelligence, these objects were, in a great degree, accomplished. Had it even been the happy and singular lot of America to see its national legislature assemble uninfluenced by those prejudices which grew out of the previous divisions of the country, the many delicate points which they were under the necessity of deciding, could not have failed to disturb this enviable state of harmony, and to mingle some share of party spirit with their deliberations. But when the actual state of the public mind was contemplated, and due weight was given to the important consideration that, at no very distant day, a successor to the present chief magistrate must be elected, it was still less to be hoped that the first Congress could pass away, without producing strong and permanent disposition in parties, to impute to each other designs unfriendly to the public happiness. As yet, however, these imputations did not extend to the president. His character was held sacred, and the purity of his motives was admitted by all."

1791

APPENDIX TO CHAPTER V.

WAS, OR WAS NOT, THE CREATION OF THE BANK OF THE UNITED STATES A CONSTITUTIONAL ACT?

THIS question was investigated with great labor, and being one involving principles of the utmost importance to the United States, on which the parties were divided, the subject was presented in all the views of which it was susceptible. A perusal of the arguments used on the occasion would certainly afford much gratification to the curious, and their insertion at full length would perhaps be excused by those who recollect the interest which at the time was taken in the measure to which they related, and the use which was made of it by the opponents of the then administration; but the limits prescribed for this work will not permit the introduction of such voluminous papers. It may however be expected that the outline of that train of reasoning with which each opinion was supported, and on which the judgment of the president was most probably formed, should be briefly stated.

To prove that the measure was not sanctioned by the Constitution, the general principle was asserted, that the foundation of that instrument was laid on this ground, "that all powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states or to the people." To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of definition.

The power in question was said not to be among those which were specially enumerated, nor to be included within either of the general phrases which are to be found in the Constitution.

The article which contains this enumeration was reviewed; each specified power was analysed; and the creation of a corporate body was declared to be distinct from either of them.

The general phrases are:

1st. To lay taxes to provide for the general welfare of the United States. The power here conveyed, it was observed, was "to lay taxes," the purpose was "the general welfare." Congress could not lay taxes *ad libitum*, but could only lay them for the general welfare; nor did this clause authorize that body to provide for the general welfare otherwise than by laying taxes for that purpose.

2dly. To make all laws which shall be necessary and proper for carrying into execution the enumerated powers.

But they can all be carried into execution without a bank. A bank, therefore, is not necessary, and consequently not authorized by this phrase.

It had been much urged that a bank would give great facility or convenience in the collection of taxes. Suppose this were true; yet the Constitution allows only the means which are necessary, not those which are convenient. If such a latitude of construction be allowed this phrase, as to give any non-enumerated power, it will go to every one; for there is no one which ingenuity may not torture into a *convenience, in some way or other, to some one* of so long a list of enumerated powers. It would swallow up all the list of enumerated powers, and reduce the whole to one phrase. Therefore it was that the Constitution restrained them to *necessary* means, that is to say, to those means without which the grant of the power must be nugatory.

The convenience was then examined. This had been stated in the report of the secretary of the treasury to Congress, to consist in the augmentation of the circulating medium, and in preventing the transportation and retransportation of money between the states and the treasury.

The first was considered as a demerit. The second, it was said, might be effected by other means. Bills of exchange and treasury drafts would supply the place of bank notes. Perhaps

indeed bank bills would be a more convenient vehicle than treasury orders; but a little difference in the degree of convenience cannot constitute the *necessity* which the Constitution makes the ground for assuming any non-enumerated power.

Besides, the existing state banks would, without doubt, enter into arrangements for lending their agency. This expedient alone suffices to prevent the existence of that *necessity*, which may justify the assumption of a non-enumerated power as a means for carrying into effect an enumerated one.

It may be said that a bank whose bills would have a currency all over the states, would be more convenient than one whose currency is limited to a single state. So it would be still more convenient that there should be a bank whose bills should have a currency all over the world; but it does not follow from this superior convenience, that there exists anywhere a power to establish such a bank, or that the world may not go on very well without it.

For a shade or two of convenience, more or less, it cannot be imagined that the Constitution intended to invest Congress with a power so important as that of erecting a corporation.

In supporting the constitutionality of the act, it was laid down as a general proposition, "that every power vested in a government is in its nature *sovereign*, and includes by *force* of the *term*, a right to employ all the *means* requisite and *fairly applicable to* the attainment of the *ends* of such power; and which are not precluded by restrictions and exceptions specified in the Constitution, are not immoral, are not contrary to the essential ends of political society.

This principle, in its application to government in general, would be admitted as an axiom; and it would be incumbent on those who might refuse to acknowledge its influence in American affairs to *prove* a distinction; and to show that a rule which, in the general system of things, is essential to the preservation of the social order, is inapplicable to the United States.

The circumstances that the powers of sovereignty are divided between the national and state governments, does not afford the distinction required. It does not follow from this, that each of the portions of power delegated to the one or to the other, is not sovereign with regard to its *proper objects*. It will only follow from it, that each has sovereign power as to certain things, and not as to other things. If the government of the United States does not possess sovereign power as to its declared purposes and trusts, because its power does not extend to all cases, neither would the several states possess sovereign power in any case; for their powers do not extend to every case. According to the opinion intended to be combated, the United States would furnish the singular spectacle of a *political society* without *sovereignty*, or a people *governed* without a *government*.

If it could be necessary to bring proof of a proposition so clear as that which affirms that the powers of the federal government, *as to its objects*, were sovereign, there is a clause in the Constitution which is decisive. It is that which declares the Constitution of the United States, the laws made in pursuance of it, and the treaties made under its authority to be the supreme law of the land. The power which can create the supreme law in any case, is doubtless sovereign as to such case.

This general and indisputable principle puts an end to the abstract question, whether the United States have power to erect a corporation: for it is unquestionably incident to sovereign power to erect corporations, and consequently to that of the United States, in relation to the objects intrusted to the management of the government. The difference is this; where the authority of the government is general, it can create corporations *in all cases;* where it is confined to certain branches of legislation, it can create corporations only *in those cases*.

That the government of the United States can exercise only those powers which are delegated by the Constitution, is a proposition not to be controverted; neither is it to be denied on the other hand, that there are implied as well as express powers, and that the former are as effectually delegated as the latter. For the sake of accuracy it may be observed, that there are also *resulting* powers. It will not be doubted, that if the United States should make a conquest of any of the territories of its neighbors, they would possess sovereign jurisdiction over the conquered territory. This would rather be a result of the whole mass of the powers of the government, and from the

nature of political society, than a consequence of either of the powers specially enumerated. This is an extensive case in which the power of erecting corporations is either implied in, or would result from some or all of the powers vested in the national government.

Since it must be conceded that implied powers are as completely delegated as those which are expressed, it follows that, as a power of erecting a corporation may as well be implied as any other thing, it may as well be employed as an *instrument* or *mean* of carrying into execution any of the specified powers as any other *instrument* or *mean* whatever. The question in this as in every other case must be, whether the mean to be employed has a natural relation to any of the acknowledged objects or lawful ends of the government. Thus a corporation may not be created by Congress for superintending the police of the city of Philadelphia, because they are not authorized to regulate the police of that city; but one may be created in relation to the collection of the taxes, or to the trade with foreign countries, or between the states, or with the Indian tribes, because it is in the province of the federal government to regulate those objects; and because it is incident to a general sovereign or legislative power to regulate a thing, to employ all the means which relate to its regulation, to the best and greatest advantage.

A strange fallacy seems to have crept into the manner of thinking and reasoning upon this subject. The imagination has presented an incorporation as some great, *independent*, *substantive* thing—as a political end of peculiar magnitude and moment; whereas it is truly to be considered as a quality, capacity, or mean to an end. Thus a mercantile company is formed with a certain capital, for the purpose of carrying on a particular branch of business. The business to be prosecuted is the *end*. The association in order to form the requisite capital is the primary *mean*. Let an incorporation be added, and you only add a new quality to that association which enables it to prosecute the business with more safety and convenience. The association when incorporated still remains the *mean*, and cannot become the *end*.

To this reasoning respecting the inherent right of government to employ all the means requisite to the execution of its specified powers, it is objected, that none but *necessary* and *proper* means can be employed; and none can be *necessary*, but those without which the grant of the power would be nugatory. So far has this restrictive interpretation been pressed as to make the case of *necessity*, which shall warrant the constitutional exercise of a power, to depend upon casual and temporary circumstances; an idea, which alone confutes the construction. The expedience of exercising a particular power, at a particular time, must indeed depend on circumstances, but the constitutional right of exercising it must be uniform and invariable. All the arguments, therefore, drawn from the accidental existence of certain state banks which happen to exist to-day, and for aught that concerns the government of the United States may disappear to-morrow, must not only be rejected as fallacious, but must be viewed as demonstrative that there is a radical source of error in the reasoning.

But it is essential to the being of the government that so erroneous a conception of the meaning of the word *necessary* should be exploded.

It is certain, that neither the grammatical nor popular sense of the term requires that construction. According to both, *necessary* often means no more than *needful*, *requisite*, *incidental*, *useful*, or *conducive to*. It is a common mode of expression to say that it is necessary for a government or a person to do this or that thing, where nothing more is intended or understood than that the interest of the government or person require, or will be promoted by doing this or that thing.

This is the true sense in which the word is used in the Constitution. The whole turn of the clause containing it indicates an intent to give by it a liberal latitude to the exercise of the specified powers. The expressions have peculiar comprehensiveness. They are "to make *all laws* necessary and proper for carrying into execution the foregoing powers, and *all other* powers vested by the Constitution in the government of the United States, or in any *department* or *office* thereof." To give the word "necessary" the restrictive operation contended for, would not only depart from its obvious and popular sense, but would give it the same force as if the word *absolutely* or *indispensably* had been prefixed to it.

Such a construction would beget endless uncer-

tainty and embarrassment. The cases must be palpable and extreme, in which it could be pronounced with certainty, that a measure was absolutely necessary, or one without which a given power would be nugatory. There are few measures of any government which would stand so severe a test. To insist upon it would be to make the criterion of the exercise of an implied power *a case of extreme necessity;* which is rather a rule to justify the overleaping the bounds of constitutional authority than to govern the ordinary exercise of it.

The degree in which a measure is necessary can never be a test of the legal right to adopt it. The relation between the *measure* and the *end*, between the nature of the *mean* employed towards the execution of a power, and the object of that power, must be the criterion of constitutionality, not the more or less *necessity* or *utility*.

The means by which national exigencies are to be provided for, national inconveniencies obviated, and national prosperity promoted, are of such infinite variety, extent, and complexity, that there must of necessity be great latitude of discretion in the selection and application of those means. Hence the necessity and propriety of exercising the authority intrusted to a government on principles of liberal construction.

While on the one hand, the restrictive interpretation of the word *necessary* is deemed inadmissible, it will not be contended on the other, that the clause in question gives any new and independent power. But it gives an explicit sanction to the doctrine of implied powers, and is equivalent to an admission of the proposition that the government, *as to its specified powers and objects*, has plenary and sovereign authority.

It is true that the power to create corporations is not granted in terms. Neither is the power to pass any particular law, nor to employ any of the means by which the ends of the government are to be attained. It is not expressly given in cases in which its existence is not controverted. For by the grant of a power to exercise exclusive legislation in the territory which may be ceded by the states to the United States, it is admitted to pass; and in the power "to make all needful rules and regulations respecting the territory or other property of the United States," it is acknowledged to be implied. In virtue of this clause, has been implied the right to create a government; that is, to create a body politic or corporation of the highest nature; one that, in its maturity, will be able itself to create other corporations. Thus has the Constitution itself refuted the argument which contends that, had it been designed to grant so important a power as that of erecting corporations, it would have been mentioned. But this argument is founded on an exaggerated and erroneous conception of the nature of the power. It is not of so transcendent a kind as the reasoning supposes. Viewed in a just light, it is a *mean* which ought to have been left to implication, rather than an *end* which ought to have been expressly granted.

The power of the government then to create corporations in certain cases being shown, it remained to inquire into the right to incorporate a banking company, in order to enable it the more effectually to accomplish *ends* which were in themselves lawful.

To establish such a right it would be necessary to show the relation of such an institution to one or more of the specified powers of government.

It was then affirmed to have a relation more or less direct to the power of collecting taxes, to that of borrowing money, to that of regulating trade between the states, to those of raising, supporting, and maintaining fleets and armies; and in the last place to that which authorizes the making of all needful rules and regulations concerning the property of the United States, as the same had been practised upon by the government.

The secretary of the treasury next proceeded, by a great variety of arguments and illustrations, to prove the position, that the measure in question was a proper mean for the execution of the several powers which were enumerated, and also contended that the right to employ it resulted from the whole of them taken together. To detail those arguments would occupy too much space, and is the less necessary, because their correctness obviously depends on the correctness of the principles which have been already stated.

CHAPTER VI.

1791-1793.

CLOSE OF WASHINGTON'S FIRST TERM OF SERVICE.

Washington's visit to the Southern States — Opening speech to Congress — General St. Clair appointed Commander-in-chief of the forces against the Indians in the North-west — His defeat — Apportionment of Representatives — Washington's veto — Additional troops required — Additional supplies necessary — Hamilton's recommendation — Other acts of the session — Ministers to foreign courts — Party organizations — Differences between Jefferson and Hamilton — Marshall's account of the matter — Other causes of difference — The press used by both sides — Virulence of the party press — Washington's attempt to reconcile the two secretaries — Opposition to the laws laying duties on domestic spirits — Mr. Hammond, minister from England — Efforts to make peace with the Indians — Second session of the second Congress — Washington's speech — Hamilton called on for report on redemption of the debt — Mr. Giles's resolutions — Hamilton's rejoinder — Resolutions rejected — Other business — Washington urged to serve for a second term — Letters to him from Jefferson, Hamilton, and Randolph — Washington unanimously re-elected — John Adams re-elected — State of parties in Congress — Effects of the French Revolution upon the political condition and prospects of the United States.

WASHINGTON had been for some time desirous of visiting the southern states, for a purpose similar to that which led him to New England, in the autumn of 1789. Accordingly, having made his arrangements, he set off about the middle of March, and protracted his tour for three months. His course lay through Richmond, Wilmington, and Charleston, to Savannah; and thence he returned by Augusta, Columbia, and the interior of North Carolina and Virginia. And it is stated, as one fact connected with this visit, that he performed the whole of the eighteen hundred and eighty-seven miles with the same horses. Another incident is not less characteristic of his fixed habits. In preparation for so long and so remote an absence from the seat of government, he planned beforehand the entire route; settling the precise days on which he should arrive, and the length of time which he should stay, at each place; and as not a single accident happened, he fulfilled it exactly, compensating for a longer halt at one place, by a shorter one at the next; and thus was in constant and regular communication with the heads of the departments of state throughout the whole tour.

1791.

He everywhere received the same proofs of attachment which had been manifested in the middle and eastern states; and it afforded him especial gratification to observe the steadily increasing prosperity of the country. While on this tour, Washington spent several days on the Potomac, where he executed finally the powers vested in him by Congress, for fixing upon a site for the metropolis of the United States. The planning and laying out the city, and the necessary attention to the erecting the public buildings, occupied a good

deal of the president's attention, for three or four years subsequently.

During the summer, the new House of Representatives was elected, and the vacancies in the Senate, occasioned by the retirement of a third of its members, were filled up.* Jonathan Trumbull, of Connecticut, was chosen speaker of the House, and it was evident that the opponents of the federalists were gradually attaining greater force in Congress.

At the opening of the first session of the second Congress, October 25th, 1791, the president, in his speech, noticed with pleasure, the prosperous situation of the country under the new system of government. "Your own observations in your respective districts," he stated, "will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation: in tracing their causes, you will have remarked, with particular pleasure, the happy effects of that revival of confidence, public as well as private, to which the Constitution and laws of the United States so obviously contributed. And you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation."

1791.

The frontier war with the Indian tribes, the president spoke of at length, detailing what had been done to bring it to a conclusion, and how far success had attended his efforts. "A system," said he, referring to his hopes respecting the issue of his more recent plans, "corresponding with the mild principles of religion and philanthropy, towards an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character, as conformable to the dictates of sound policy." The president also mentioned the commencement of the new city on the banks of the Potomac; the completion of the first census; and the negotiation of two further loans, as forming parts of the survey of the state of affairs needful on the occasion. To the Senate, he referred two treaties with the Indians, for ratification; and to the House of Representatives, besides a general statement of the financial affairs to be placed before them, he spoke in terms of just praise of their predecessors. He concluded, by adverting to the need of legislative attention to "the militia, the post office and post roads, the mint, weights and measures, and a provision for the sale of the vacant lands of the United States."

The answers of the two Houses, though not couched in as warm terms as on previous occasions, nevertheless expressed towards Washington very high regard and esteem.

The president having been vested with authority, to call out the mounted militia, two expeditions, the one under General Scott, in May, the other, under General Wilkinson, in September, had been conducted against the Indian villages on the Wabash; but they had produced no results of any moment towards settling the contest. On the

* Aaron Burr, at a later date of infamous notoriety, was sent as Senator from New York, in place of Philip Schuyler.

president's nomination, General St. Clair, governor of the territory northwest of the Ohio, was appointed commander-in-chief of the forces to be em-

1791. ployed against the Indians. He hastened to protect, with his army, the unfortunate inhabitants who were now left, without defence, to suffer all the midnight horrors of Indian warfare. With a force amounting to nearly two thousand men, St. Clair marched into the wilderness, in the month of October. On the 3d of November, he encamped within a few miles of the Miami villages, with his army, which was reduced by desertion and detachments, to fourteen hundred. Here he intended to remain until reinforced. Notwithstanding the many melancholy examples of similar disasters in the armies of his country, St. Clair suffered himself to be surprised. The militia who were posted in front, were driven, in great disorder, upon the regulars. In vain did St. Clair attempt to rally the flying militia, and repulse the savages. They appeared on all sides of the American army, and poured in such a deadly fire from the surrounding thickets, as strewed the field with the wounded, the dying, and the dead. After a contest of three hours, General St. Clair, disabled by indisposition from the active duties of commander, ordered a retreat, which was effected, and the remnant of his army saved from total ruin. The victorious Indians pursued closely about four miles, when they returned to share the spoils of the camp. St. Clair retreated to Fort Jefferson, and afterwards to Fort Washington. In this disastrous engagement, the numbers on each side were about equal. Of the Americans, the slaughter was almost unparalleled. Six hundred and thirty were killed and missing, and two hundred and sixty were wounded; a loss which proves at once the obstinacy of the defence, and the bravery of the assailants. The loss on the part of the Indians, could not be ascertained. The conduct of General St. Clair was inquired into, by order of Congress, an inquiry which resulted in his entire exculpation from censure.

A warm debate sprung up in relation to the new apportionment of Representatives, in accordance with the census, which had been taken in the preceding year, and the results of which were now ready for the consideration of Congress. The contest was not put to rest till the following April; and not till the third bill was constructed, did the two Houses agree. The first proposal made by the Representatives, was to adopt the lowest ratio allowed by the Constitution—thirty thousand, which would have raised their numbers to a hundred and thirteen; but there would have been large fractions of population in the northern states left unrepresented. The Senate, to lessen those disfranchised remnants, raised the ratio to thirty-three thousand; but it was alleged, that then there were fractions, though not so large, remaining in the southern states. The House would not accept the change, and reiterated its former proposal in a new bill, which also arranged the taking of another census, before the expiration of ten

years; but the Senate refused its assent to this; and, instead, increased the numbers to a hundred and twenty, by assigning Representatives to the largest fractions. This, which violated the letter of the Constitution, excited greater heat than ever, and the old threat of breaking up the Union was resorted to. A committee of conference was demanded, at length; and in the end, the scheme of the Senate was carried by a majority of two, out of sixty votes. This decision has been remarked upon, as having a curious bearing upon the old political controversies, the Representatives of the southern states being found rejecting the amendment of the Senate, which embodied their own state-sovereignty principle; and those of the north accepting it, although they were most in favor of the opposite principle of polity.

Washington very justly considered this mode of apportionment as contrary to the Constitution,* and on the 5th of April, returned the bill to Congress, with his objections. The first was, that the Constitution had prescribed, that Representatives should be apportioned among the several states, according to their respective numbers; and that there was no one proportion or division which, applied to the respective states, would yield the number and allotment of Representatives proposed by the bill. The second, that by the Constitution, the number of Representatives should not exceed one for every thirty thousand; which restriction, by the fair and obvious construction, was to be applied to the separate and respective states; and that the bill had allotted to eight states, more than one for every thirty thousand. This was the first instance in which the president had exercised his veto upon any act of Congress. The bill not being repassed by two-thirds of both Houses, was rejected. A bill was afterwards passed, April 9th, by a vote of thirty-four to thirty, apportioning the Representatives, agreeably to a ratio of one for every thirty-three thousand in each state, which received the sanction of the president; and thus, this interesting part of the Constitution was finally settled.*

1792.

On receiving information from the president, of the defeat of St. Clair, Congress were called upon to consider the estimates of a competent force, which were prepared and laid before them. In conformity with the report of the secretary of war, a bill was brought into the House, directing three additional regiments of infantry, and a squadron of cavalry to be raised. In this case, the whole military establishment would amount to five thousand men.

Singularly enough, even this necessary measure encountered strong opposition, and party feeling

1792.

* A difference of opinion is understood to have existed on this subject in the cabinet. The secretary of state and the attorney-general were of opinion that the act was at variance with the Constitution; the secretary of war was rather undecided; and the secretary of the treasury, thinking that neither construction could be absolutely rejected, was in favor of acceding to the interpretation given by the legislature.

* See "*Abridgement of the Debates of Congress*," vol. i., pp. 320–28; 374–77.

began to display itself pretty freely. The bill finally passed; and as increased expenses connected with the Indian war, required additional revenue, a resolution was adopted, calling upon the secretary of the treasury to report upon the best mode of raising these additional supplies which the public service required. The proposition was warmly opposed; but passed by a vote of thirty-one to twenty-seven.

Hamilton, in his report, recommended an augmentation of duties on imports in preference to a loan, or the sale of the stock in the United States Bank, owned by the government. Marshall points out, that the secretary had deemed it indispensable to the public credit, that the appropriation of funds for the payment of the interest, and the gradual redemption of the principal of the debt, should be not only sufficient but permanent. The vote on a motion made to limit the duration of the bill proposed, was rather remarkable. Thirty-one were in favor of the limitation, and thirty against it. By the rules of the House, the speaker having a right to vote as a member, and in case of a tie to decide, as speaker, he being opposed to the limitation, the motion was lost by his voice.

1792.

Amongst the other acts of this session, we may mention one for securing constitutional order in the election of the president and vice-president, and for temporarily supplying a possible vacancy in both offices at the same time. Above $4,600,000 were appropriated to the public expenditure; more than half of it being the interest of the debt; nearly $675,000 for the increase in the army, and about $420,000, the customary charge in that department; and $612,000 for carrying on the other services of the government. The session terminated on the 8th of May, 1792.

We may mention here, also, that during the session, Thomas Pinckney was nominated minister plenipotentiary to England, and Gouverneur Morris, as minister plenipotentiary to France. Both these nominations were confirmed by the Senate. William Short was appointed minister resident at the Hague, and was commissioned, with Mr. Carmichael, to effect a treaty with Spain. Paul Jones, during the summer, was appointed a commissioner for treating with the Dey of Algiers, on the subject of peace, and the ransoming of American captives.* The letter, informing of his appointment, did not, however, reach him; for Jones died at Paris, on the 18th of July, 1792, in abject poverty and destitution.

The tendency to the distinct organization of parties was becoming every day more and more evident. Great questions were at issue; local feelings were roused; prejudices for state rights and powers were strong; personal differences and jealousies were actively at work; and it was plain, that the supporters of the government, and the opponents of the measures carried through Congress by the federalists, were ranging themselves on one side or the other, accord-

1792.

* It will hardly be credited, at the present day, that these insolent pirates obtained, at that date, a stipulation from our country to pay them, as the price of peace and immunity, an *annual tribute* of $25,000!

ing as their convictions, their preferences, or their interests, required them to decide upon their political course. That parties, in some shape, must exist, seems a clear necessity; and there is no better reason to question the integrity and patriotism of the man who chose to support federal doctrines, than there is of him who opposed and denounced them with all his might. From the circumstance alone of his being a federalist or a republican, it was not possible then, any more than it is now, to judge of a politician's honesty and purity. We have no doubt, that there were honest and good men of both and all parties; and we shall, in tracing the further history of our country, endeavor to form a judgment of the motives and soundness of public men, by their character and conduct, rather than by the party to which they may have belonged.

Washington, whose whole career showed him to have but one only object in view, the highest and best interests of his country, was pained and mortified that the acerbity and dissensions of party were on the increase,* not simply in Congress, but in his very cabinet. The secretary of state and the secretary of the treasury had not harmonized from the beginning; and as the latter developped more fully his financial measures, and succeeded, by his masterly ability, in carrying them into effective operation, so the former liked them less and less, and opposed them in every way in his power. Contests of this kind cannot be carried on without increasing in bitterness, and widening the gulf of separation; so that it is no wonder, that in the lapse of a few years, the two secretaries were irreconcileably at variance on all the great questions of public policy, which the president was called upon to hear discussed, and to decide amid the jarring counsels of his constitutional advisers.*

* Marshall, in sketching the complaints of the anti-federalists, shows that Washington himself was not spared. His appointed days and hours for reception —rendered requisite for the economy of his time— were called levees, and considered an affectation of monarchy. Some arrangements of etiquette, to which he had acceded whilst at New York, were adduced as proofs of similar inclination on his part. The vice-president was stigmatized as still more monarchical in his principles and in his life. The former, indeed, he had published to the world whilst in England, by his "Thoughts on Republics;" and since his return, by a supplement to his great work, which he called "Davila." Mr. Adams, it may be noted, never concealed his preferences for the federal, over the anti-federal doctrines and aims. See, also, Tucker's "*Life of Jefferson*," vol. i., p. 406.

* Mr. Gibbs, speaking of the severity of the blow to the anti-federalists, caused by the assumption of the state debts, and by the fact, that now the powerful body of creditors would thenceforward look to the Union, and not to the separate states, for payment, goes on to say: "The blow had been followed up. Duties were laid on imported goods. The merchant from that time owed his moneys to the United States, and paid them to her officers. Internal taxes were imposed; the returns were made to a collector of the general government. A bank was established; the paper which passed current from Vermont to Georgia was of federal origin. A mint was erected; the arms of the states were not stamped upon its coins. Protection was recommended to American manufacturers; it was the Union alone that could do all this. Commerce was encouraged; it was the marine of the United States. Every successive act by which some powerful interest was touched, brought the influence of that interest in favor of its source. The power of the state was diminished, because its citizens looked elsewhere than to its legislature, for the most important objects of attention."—Gibbs's "*Administrations of Washington and Adams*," vol. i., pp. 77, 78.

Chief Justice Marshall attributes these differences between the two secretaries, partly to the original structure of their minds, and partly to the positions in which they had respectively been placed. His words are worth quoting: "Until near the close of the war, Mr. Hamilton had served his country in the field, and, just before its termination, had passed from the camp into Congress, where he remained for some time after the establishment of peace. In the former station, the danger to which the independence of his country was exposed from the imbecility of its government, was perpetually before his eyes; and, in the latter, his attention was forcibly directed towards the loss of its reputation, and the sacrifice of its best interests, which were to be ascribed to the same cause. Mr. Hamilton, therefore, was the friend of a government which should possess, in itself, sufficient powers and resources, to maintain the character, and defend the integrity of the nation. Having long felt and witnessed the mischiefs produced by the absolute sovereignty of the states, and by the control which they were enabled and disposed separately to exercise over every measure of general concern, he was particularly apprehensive of danger from that quarter; which he believed was to be the more dreaded, because the habits and feelings of the American people were calculated to inspire state, rather than national prepossessions. He openly avowed the opinion, that the greatest hazard to which the Constitution was exposed, arose from its weakness, and that American liberty and happiness had much more to fear from the encroachments of the states than from those of the general government.

1792.

"Mr. Jefferson had retired from Congress before the depreciation of the currency had produced an entire dependence of the general on the local governments, after which he filled the highest offices in his native state. About the close of the war, he was re-elected to Congress; but was soon afterwards employed on a mission to the court of Versailles, where he remained while the people of France were taking the first steps in that immense revolution which has astonished and agitated two quarters of the world. It is not unreasonable to suppose, that, while residing at that court, and associating with those who meditated the great events which have since taken place, his mind might be warmed with the abuses of monarchy which were perpetually in his view, and he might be led to the opinion, that liberty incurred its greatest danger from established governments. Mr. Jefferson, therefore, seems to have entertained no apprehensions from the debility of the government; no jealousy of the state sovereignties; no suspicion of their encroachments. His fears took a different direction; and all his precautions were used to check and limit the exercise of the powers vested in the government of the United States. From that alone could he perceive danger to liberty. He did not feel the necessity of adopting the Constitution so sensibly as they did who had continued in the country; and he had, at one time, avowed a wish, that it might be rejected by such

a number of states as would secure certain alterations which he thought essential. From this opinion, however, he is understood to have receded."*

Beside these and similar causes of division, between men holding the high station of secretaries of state and of the treasury, another was superadded, which exerted a wide influence upon the political condition and course of the United States. France was regarded with attachment; Great Britain with enmity. With many there was a strong disposition, not only to be grateful to the former, but to extend every possible favor in the way of commerce and trade for her interests; while at the same time, they were disposed to throw every obstacle in the way of England and English interests in this particular. The republicans took one side of the question; the federalists another. Jefferson and Hamilton disputed about these and kindred topics in the cabinet,† and the president, according to his convictions, decided and acted. But it was a source of great mortification to him, that he was not able to reconcile the two, so far, at least, as to produce an agreement upon some general line of policy, without these perpetual bickerings and daily increasing personal animosities.

Both parties, convinced of the vast power of the public press, had engaged it in defending and sustaining their own views, and in assailing and condemning those of their opponents. "The Gazette of the United States," supported the views of the federalists, as set forth and developped by the great financial plans and policy of the treasury department. The "National Gazette," on the other hand, established in 1791, and edited by Philip Freneau, the poet, and a translating clerk in the department of state, was a zealous and unflinching advocate of the measures favored by Jefferson and the republican party. In the one, European politics were represented through the medium of the English papers, which overcolored the extravagant acts of France, and showed anarchy and blood, as the necessary consequences of democracy; the columns of the other were filled rather from French and Continental papers, which then represented republicanism as thriving equally in France as in the United States. Very soon, too, personal character was assailed, and Freneau's Gazette "became," as Marshall states, "the vehicle of calumny against the funding and banking systems, against the duty on home-made spirits, which was denominated an excise, and against the men who had proposed and supported those measures. With perhaps equal asperity, the papers attached to the party which had defended these systems, assailed the motives of the leaders of the opposition."*

* "*Life of Washington*," vol. ii., pp. 231, 32. See also Jefferson's "*Correspondence*," vol. ii., pp. 266, 69, 73, 78; 303, 43, 81.

† As Jefferson phrases it, "Hamilton and myself were daily pitted in the cabinet, like two cocks. We were then but four in number, and according to the majority, which of course was three to one, the president decided. The pain was for Hamilton and myself, but the public experienced no inconvenience."

* Mr. Gibbs, (vol. i., p. 79,) speaking of the National Gazette, says, that "during its short-lived existence, it was notorious for its scandalous falsehood and misrepresentation, its fulsome adoration of Mr.

Washington, greatly moved by these perpetual conflicts between Jefferson and Hamilton, exerted himself to effect a reconciliation. Under date of August 22d, he wrote to Jefferson a long and impressive letter, begging him to forego suspicious and irritating charges, and to make liberal allowances toward his antagonist. A few days after, he addressed a letter to Hamilton, in nearly the same terms, asking for charitable construction, and willingness to believe in his adversary's honesty and integrity. In another letter to Jefferson, October 18th, he earnestly asks for harmony and concord in the cabinet, saying, "I have a great, a sincere esteem for you both, and ardently wish that some line may be marked out, by which both of you could walk." But the efforts of Washington were doomed to disappointment. Their political course, as well their private feelings, diverged more and more, and Jefferson and Hamilton became not only political, but personal enemies, one to the other.

1792.

The administration of the general government was disturbed this year, not only by the continuance of Indian hostilities, but by an increased opposition, in some parts of the Union, to the laws laying a duty on domestic spirits. This opposition had been carried so far, and so daring had become the resistance to the law, as to require a proclamation from the president, warning all persons against unlawful combinations and proceedings, tending to obstruct the operations of the laws. But, we are sorry to say, the proclamation produced no salutary effect.

Anxious to avoid extremities, the government resolved upon another course. Prosecutions were instituted against delinquents. The spirits distilled in the non-complying counties, were intercepted in their way to market, and seized by the officers of the revenue; and the agents for the army were directed to purchase only those spirits on which the duty had been paid. Could the distillers have obeyed their wishes, these measures would have produced the desired effect. But, impelled by a furious multitude, they found it much more dangerous to obey the laws than to resist them.

Diplomatic intercourse had at length been opened with great Britain, who had sent, on her own motion, Mr. George Hammond as minister-plenipotentiary to the United States. Mr. Hammond arrived at Philadelphia in the autumn of 1791, and soon after entered upon a long correspondence with the secretary of state respecting the non-execution of the treaty of peace. The British minister having entrusted to him only powers to negotiate, not to conclude, to make, not to adjust, complaints, the course of the discussion, and the principles avowed by the respective parties, speedily demonstrated the slight probability which existed of

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Jefferson, and its gross abuse of leading federal men. Against Mr. Adams, particularly, who, from his inoffensive position as vice-president, it might have been supposed, would have escaped unnoticed, it was, as a future possible president, incessant in its vituperation." For Mr. Tucker's defence of Jefferson, in having a paper edited by a clerk in his department, which abused the measures of the government in which he held an important position, see his "*Life of Jefferson*," vol. i., p. 392.

their being able to agree upon a commercial treaty.*

The Indians in the north-west still maintaining their attitude of hostility, preparations for prosecuting the war with vigor were earnestly pressed.

1792. General Wayne was appointed to succeed St. Clair in the command; but the inducements to enter the service were so small that the ranks filled up very slowly, and the meditated expedition could not be undertaken prudently during the present year. Meanwhile, the clamor against the war continued to be loud and violent. From respect for opinions extensively professed, it was thought advisable to make still another effort to procure peace by a direct communication of the views of the executive. The fate of those who were employed in these efforts, was still more to be lamented than their failure. Colonel Harden and Major Truman, two brave officers and estimable men, were severally dispatched with propositions of peace, and each was murdered by the savages.

The second session of the second Congress commenced on the 5th of November, 1792. Washington began

1792. his accustomed speech, by referring to the "abatement of the satisfaction" he experienced in meeting the members, which arose from the continuance of the Indian hostilities, on the north-western frontier. And he gave a general account of the measures which had been adopted to stop the destructive incursions of the tribes beyond the border, and to repress the insurrection of those within it; suggesting the desirableness of forming "an eligible plan" for carrying on intercourse with the red men. "The product of the revenues for the present year," he said, "is likely to supersede the necessity of additional burdens on the community, for the service of the ensuing year." Speaking of the resistance offered to the collection of duties on spirits distilled within the United States, he added, "Congress may be assured that nothing within constitutional and legal limits which may depend on me, shall be wanting to assert and maintain the just authority of the laws." After noticing various other objects, the judiciary, the mint, post-office regulations, etc., the president addressed himself particularly to the House of Representatives, and said, "I entertain a strong hope that the state of the national finances is now sufficiently matured to enable you to enter into a systematic and effectual arrangement for the regular redemption and discharge of the public debt, according to the right which has been reserved to the government. No measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiments and wish of the nation."

The addresses of the two Houses, in

* Mr. Jefferson, says Tucker, (vol. i., p. 369,) "was called upon to vindicate the rights and dignity of his country in a long and laborious correspondence, first with the minister of Great Britain, and then with that of France, and which continued to occupy him during the whole time he remained in office. Distinguished for ability as the diplomatic correspondence of this country generally has been, there is no part of it that has been so extolled, both for style and argument, or given such satisfaction to all parties, as that which was carried on by Mr. Jefferson with Mr. Hammond and Mr. Genet."

answer to the president's speech, were couched in respectful and even affectionate terms; but the course of proceedings in Congress soon after, showed that the violence of party was increasing rather than diminishing.

On a motion made, directing the secretaries of the treasury and of war to attend the House and to give information, severe denunciations were poured forth against the unconstitutionality of subjecting the Representatives to the control of the heads of the executive departments. The motions for requiring a report from Hamilton on a plan for redeeming the public debt, and for paying a debt owing to the bank, which were brought in by Mr. Fitzsimmons, renewed the contest; but, although Madison and others opposed the reference to the secretary of the treasury, the resolution was carried.

Hamilton's report proposed a plan for the redemption of the debt. But the expenses of the Indian war, rendering it unsafe, in his opinion, to rest absolutely on the existing revenue, he also proposed to extend the internal taxes to pleasure horses, or pleasure carriages, as might be deemed most advisable. For the reimbursement of the bank, he recommended that power be given to negotiate a loan for $2,000,000; the dividends on the shares held by the government, to be pledged for the interest; and, as the government paid six per cent. to the bank, he relied on the saving that would be effected by borrowing at a lower rate of interest. The consideration of this report was deferred on various grounds; and a motion was made to reduce the military establishment. The debate was long, and earnestly contested; but the motion was rejected, on the 5th of January, 1793.*

A few weeks later, another subject was introduced into the House, which absorbed the attention of the members, and put an end, for the present session, to every measure connected with the finances. 1793.

Mr. Giles, on the 23d of January, moved several resolutions, requiring information, among other things, on various points growing out of the loans authorized by Congress, in August, 1790. The object was, to inculpate the secretary of the treasury respecting the management and application of these loans, and of the revenue generally. Mr. Giles indulged himself in remarks, which clearly showed the *animus* of his proceedings, and it was his determination to prove to the House, that there was a large balance in the funds unaccounted for. The resolutions were agreed to without debate, as was only due to Mr. Hamilton; and soon after, three successive and able reports were sent in, containing the information required.†

In these reports, a full exposition was given of the views and motives of the secretary, in the conduct of the

* See "*Abridgement of the Debates of Congress*," vol. i., pp. 398–415.

† For Tucker's account of this matter, see his "*Life of Jefferson*," vol. i., pp. 401–405. "It seems probable," says Tucker, "that the secretary, having proved himself innocent of the more serious part of the charge, the common reaction in favor of those who have been unjustly accused, took place, and inclined men to acquit him altogether."

treasury department. It is also evident, that Hamilton felt aggrieved at this attack upon his reputation; and he did not hesitate to use language of great plainness and severity, observing, in conclusion; "Thus have I not only furnished a just and affirmative view of the real situation of the public accounts, but have likewise shown, I trust, in a conspicuous manner, fallacies enough in the statements, from which the inference of an unaccounted for balance is drawn, to evince that it is one tissue of error."

But the matter did not end here. Mr. Giles, on the 28th of February, submitted to the House, a series of nine resolutions, containing charges against the secretary. The substance of them was, that he had failed to give Congress information, in due time, of moneys drawn from Europe; that he had violated the law of the 4th of August, 1790, by an unauthorized application of money borrowed under it; that he had drawn part of the money into the United States, without any instructions from the president; that he had exceeded his authority in making loans, under the acts; that without instructions from the president, he had drawn more of the money borrowed in Holland, than he was authorized by those acts; and that he had been guilty of an indecorum to the House, in undertaking to judge its motives in calling for information. The debate was continued until the night of March 1st, and was characterized by unusual bitterness. It terminated in a rejection of the resolutions, and consequently in an entire exculpation of Hamilton from all just censure. The highest number voting in favor of any one of the resolutions was sixteen.*

1793.

The other business of the session may be briefly stated. The claim for compensation for loss on the certificates in which they had been paid, advanced by the officers of the old continental army, was rejected. An act respecting "fugitives from justice, and persons escaping from the service of their masters," was passed, early in February, by a vote of forty-eight to seven. The trade with the Indians was regulated; and an attempt was made to initiate an amendment to the Constitution, because the state of Georgia, sued in the federal courts for a debt due to a citizen of another state, had suffered judgment by default. And nearly two millions of dollars were appropriated to the public service, in addition to the almost three millions more, for interest on the debt. On Saturday, the 2d of March, the second Congress closed its second session. At the same date, the first administration of Washington reached its termination, and the father of his country, though greatly longing for repose, was not permitted to leave

1793.

* "The whole of the session was thus spent in sifting the conduct of the secretary. . . . The investigation served one purpose of the opposition; it prevented any question being taken on the report. It seems somewhat anomalous, that a party which had charged the administration with a wish to perpetuate the debt, should thus have thwarted its measures to discharge it, and an explanation of the fact, can only be found in a fixed determination to break down the secretary."—Gibbs's "*Administrations of Washington and Adams*," vol. i., p. 82.

the service of the state, but was compelled again to buckle on the armor at a perilous time, needing all his wisdom, firmness, and prudence, and tasking his energies to the utmost.

Washington had resolved to retire with the close of his first administration; but, notwithstanding the exacerbations of party, the fierceness of the contests between the federalists and republicans, and the undoubted strength of the party opposed to the government, there was a spontaneous conviction that he was, after all, the only man fitted for the crisis, the only man in the country who could, just then, take the helm of the vessel of state with any probability of being able to guide her safely through the rocks and shoals which beset her onward progress.

Jefferson, though virtually at the head of the republicans, and quite willing that there should be a change in the tone and acts of the government, nevertheless clearly saw the vast importance of Washington continuing at the head of affairs. Under date of

1792. May 23d, he wrote a long and earnest letter to the president,* urging him by every consideration of patriotism, and the terrible dangers of anarchy which threatened, were he to abandon his high post, not to refuse the service of his country.

Hamilton, too, addressed the president a letter, under date of July 30th. Equally urgent with Jefferson, he said, "On public and personal accounts, on patriotic and prudential considerations, the clear path to be pursued by you will be again to obey the voice of your country. I trust, and I pray God, that you will determine to make a further sacrifice of your tranquillity and happiness to the public good."

And Randolph, another member of his cabinet, took the same ground, and pressed upon the president's attention the almost necessity of his continuance in office, and gave utterance to the fear which he, too, entertained, that without Washington the stability of the Constitution was by no means certain; he only could repress the tendencies to disorder and rebellion which seemed to be impending over the country.*

Greatly moved by these letters, and many others which he received from various quarters, Washington felt that he ought not to refuse to obey, and with a spirit of self-sacrifice, such as he had so often displayed, he consented to be elevated for a second time to the highest office in the gift of the people. By the unanimous vote of the electors, he was chosen president. Out of the one hundred and thirty-two electoral votes, John Adams received seventy-seven; George Clinton, fifty; Thomas Jefferson, four; and Aaron Burr, one. Adams, consequently, was re-elected vice-president of the United States.

We may properly conclude the present chapter with some weighty and suggestive remarks, drawn principally from Chief Justice Marshall, when

* See "*Life of Jefferson*," vol. i., pp. 381–87; the letter is well worth reading.

* Mr. Sparks has printed these letters in the "*Writings of Washington*," vol. x., p. 504. Hamilton's letter we commend to the reader's attention.

speaking of the state of public affairs at the time that Congress broke up on the 2nd of March, 1793. The great events of that period in Europe could not but have their effect upon America and her interests. The French Revolution, especially, had from the beginning been looked upon with the deepest interest. High hopes were entertained at its commencement, and Americans were disposed to rejoice over the prospect of another republic setting forth and sustaining the rights of men, and taking its rise mainly from the noble example furnished to the world by the United States. But the progress of events in France ere long dispelled those hopes and expectations in the minds of a portion of our countrymen. Anarchy, outrage, furious and licentious excesses prevailed. The monarchy was abolished; the king was murdered; the republic was proclaimed; war was declared against England, Holland, and Spain; and the horrors of the Revolution began in earnest to affright and terrify the world.

1793.

Yet, the people of the United States, as a body, were slow to believe that France was not destined to the same happy success which attended the struggles of our patriot sires for liberty and justice. The overthrow of the monarchy seemed to electrify the country. "The war in which the several potentates of Europe were engaged against France, although, in almost every instance, commenced by that power, was pronounced to be a war for the extirpation of human liberty, and for the banishment of free government from the face of the earth. The preservation of the independence of the United States was supposed to depend on its issue, and the coalition against France was treated as a coalition against America also. A cordial wish that the war might terminate without diminishing the power of France, and so as to leave the people of that country free to choose their own form of government, was perhaps universal; but perfect unanimity of opinion did not prevail respecting the probable issue of their internal conflicts. By some few individuals, the practicability of governing under the republican form an immense military nation, whose institutions, habits, and morals are adapted to monarchy, and which was surrounded by armed neighbors, was deemed a problem which time alone could solve. The circumstances under which the abolition of royalty was declared, the massacres which preceded it, the scenes of turbulence and violence which were acted in every part of the nation, appeared to them to present an awful and doubtful state of things, respecting which no certain calculations could be made; and the idea that a republic was to be introduced and supported by force, was, to them, a paradox in politics. Under the influence of these appearances, the apprehension was entertained that the ancient monarchy would be restored, or a military despotism would be established. By the many, these popular doubts were deemed unpardonable heresies; and the few to whom they were imputed, were pronounced hostile to liberty. A suspicion that the unsettled state of

things in France had contributed to suspend the payment of the debt to that nation, had added to the asperity with which the resolutions on that subject were supported; and the French Revolution will be found to have had great influence on the strength of parties, and on the subsequent political transactions of the United States."*

* Marshall's "*Life of Washington*," vol. ii., pp. 251, 52.

CHAPTER VII.

1793-1794.

TRIALS OF THE ADMINISTRATION.

Washington enters upon his second term at a critical period — Neutrality the true policy of the United States — Questions to the cabinet — Answers — Proclamation of neutrality — Its importance — Party assaults on Washington — Genet sent as French minister — His instructions — Genet's arrival at Charleston — His high-handed proceedings — Reception by Washington — British minister's complaints — Washington's determination to sustain the neutrality — The case of *Le Petit Democrat* — Genet's violent course — Jefferson's reply — Genet's recall requested — Reference to Marshall, and Jefferson's Anas — Relations with England — Causes of Complaint — Algerine piracies — Relations with Spain — Hostilities probable — Third Congress assembles in December, 1793 — Washington's opening speech — Abstract of its contents — Message respecting foreign relations — Answers of the two Houses — Message respecting Spanish difficulties — Jefferson's report on commerce — Its statements — Madison's resolutions — Debate in the House — Naval force recommended by the president — Sharp debate — Probability of a war with England on account of her aggressions — Preparations required — Measures recommended — England not desirous to push matters to an extreme — Washington determines to have peace if possible — John Jay appointed to the mission to England — Non-intercourse bill passed in the House — Defeated in the Senate — The country placed in a state of defence — Course of the opposition — Congress adjourns — James Monroe appointed minister plenipotentiary to France. APPENDIX TO CHAPTER VII. I. Questions proposed by Washington to his cabinet. II. J. Q. Adams on Washington's proclamation of neutrality. III. Fisher Ames's speech on Madison's resolutions.

ON the 4th of March, 1793, Washington presented himself in the Senate-chamber, where were assembled the heads of the departments, the foreign ministers, members of Congress, and others. After a brief speech, calling upon those around him to be witnesses of what he was about to do, Washington took the oath of office required by the Constitution, and entered upon another four years of labor and self-sacrifice for the interests of his native land.

1793.

Washington accepted the presidency at a moment when the country was about to stand most in need of his impartial honesty and firmness. The French Revolution had just reached its highest point of fanaticism and disorder, and the general war which was about breaking out in Europe, put it beyond the power of the president of the United States to remain indifferent, or a stranger to its progress. The mass of the people, he well knew, looked upon the Revolution, despite

its sanguinary horrors, with enthusiastic satisfaction, and undoubting hope of its conferring upon France every blessing which could be desired; and there were many Americans who were ready to join her in the contest against Great Britain especially, and to engage in privateering expeditions against the commerce of the belligerent powers, regardless of the consequences to themselves or their country.

Called upon, however, from his high station, to view the portentous state of affairs in Europe, as it might affect the United States, whose destinies, under God, were entrusted to his care, Washington felt bound to consult the dictates of his judgment, rather than the impulse of his feelings. He foresaw that the storm which was gathering in Europe, must soon reach the United States, and he felt it his duty, as far as possible, here to prevent its desolating effects. In the mighty conflict which was to ensue, a conflict in which all the great European powers either were or must necessarily be engaged, he was satisfied the best interests of his country demanded a state of neutrality; and he was convinced that this course might be pursued without a violation either of national faith, or national honor.

Neutrality, however, he knew, to be just, must be impartial; and he was sensible, that from the state of public feeling in America, it would be extremely difficult to preserve a state of strict neutrality, or to avoid collisions with some of the contending powers, particularly France or Great Britain. Aware of the importance and delicacy of the crisis, he assembled his cabinet in April, for their advice. To them he submitted certain questions, particularly with respect to the existing relations with France.* These were, of course, communicated confidentially, but they afterwards clandestinely found their way to the public. 1793.

The answers of the members of the cabinet to these questions, were requested in writing. On some of them, the opinions of the members were unanimous; on others, a difference prevailed. All were in favor of issuing a proclamation of neutrality, of receiving a minister from the existing French government, and against convening Congress. Some of the cabinet, however, were for receiving the minister with some degree of qualification, from a doubt, whether the government of France could be considered as finally settled by the deliberate sense of the nation. The president, however, concluded to receive him in an unqualified manner. As to the clause of guarantee, in the treaty of 1778, a difference of opinion also existed in the cabinet. Hamilton and Knox considered the clause as only applicable to a defensive war, and therefore not binding in a contest commenced by France herself; while Jefferson and Randolph thought it unnecessary, at that time, to decide the question.

The proclamation, as prepared by the attorney-general, and approved by the president, was issued, "forbidding the citizens of the United States to

* For these questions, see Appendix I., at the end of the present chapter.

take part in any hostilities on the seas, either with or against the belligerent powers, and warning them against carrying to any such powers, any of those articles deemed contraband, according to the modern usages of nations, and enjoining them from all acts and proceedings inconsistent with the duties of a friendly nation towards those at war."

This measure, which Washington determined upon, after mature deliberation, was undoubtedly one of the most important of his administration. It laid the solid basis of that system which our country has steadily pursued, in its intercourse with foreign nations, and to which a large share of its prosperity is to be ascribed.* In fact, it was a measure essential to the independent existence and character of the United states; and it is greatly to the honor of the president, that he dared to do what he knew to be right and just, in the very face of popular clamor, and at the risk of personal abuse and defamation. 1793.

Looking back upon the past, it seems almost incredible, that Washington's good name could have been so foully slandered as it was, in consequence of the violent ferments produced by party contests on this subject. Heretofore, his character had been so widely revered, and so firmly was he possessed of the affections of the people, that it was clearly perceived by the opponents of his measures, that unless his commanding influence could be lessened, it was in vain to hope to overthrow the federal party. The proclamation of neutrality was totally at variance with the prejudices, the feelings, and the passions of the mass of Americans; and the republican partisans deemed it a favorable opportunity to venture upon open assaults on the character and motives of Washington: it is worth noting, also, that when once the undertaking was begun, it was pursued with a perseverance and acrimony, which no American of this day can credit, except by actual perusal of the political diatribes of that stormy period.

The French republic having determined to send out a minister in the room of M. Ternant, the citizen Genet was selected,* a gentleman of fair talents, and possessed of all the fire of temper of the Celtic race. Genet, besides his public instructions, which were very flattering to the people, and decently respectful to the government, was furnished with secret instructions of quite another complexion. These, subsequent events induced him to publish; and we are sorry to say, 1793.

* For some instructive pages on this subject, and the able discussion of the constitutionality of the right exercised by Washington to issue the proclamation, see an extract from John Quincy Adams's "*Life of Madison*," pp. 53–60, in Appendix II., at the end of the present chapter.

* In speaking of the course pursued by France under the ministry of the Count de Vergennes, we have given him and his country the merit of sincerity and honesty, in respect to the United States, without however, supposing that they were possessed of more disinterestedness than is usual in the dealings of nation with nation. Substantially, we believe this opinion to be correct; but it is only fair to the reader to refer him to a note of Marshall, at the end of his Life of Washington, wherein are given the reasons for the conviction, that the policy of France at that date was governed more by Machiavelian principles than is generally believed.

that they do not particularly elevate the character for honorable dealing of the French government. While distinctly avowing that France did not desire the United States to become a party to the war with Great Britain, the main object of his mission, as afterwards disclosed, was to take every step possible to induce the Americans to make common cause with the French against all Europe.*

On the 8th of April, Genet arrived at Charleston, a port whose contiguity to the West Indies gave it peculiar facilities as a resort for privateers. He was received by the governor of South Carolina, and by the people, with unbounded enthusiasm, well calculated to deceive him into a belief, that the Americans were ready to go to any lengths in the cause of France. Being furnished with blank letters of marque, he undertook, during his stay of some six weeks at Charleston, to authorize the fitting and arming of vessels, enlisting men, and giving commissions to commit hostilities on nations with whom the United States were at peace. The captures made by these cruisers were brought into port, and the consuls of France were assuming, under the authority of M. Genet, to hold courts of admirality for their trial, condemnation, and sale.

1793.

Receiving on the road every species of popular adulation, on the 16th of May, M. Genet arrived at the seat of government, preceded by the intelligence of his transactions in South Carolina. Means had been taken to render his entry triumphal; and the opposition papers exultingly stated that he was met at Gray's Ferry, by "crowds of people, who flocked from every avenue of the city, to meet the republican ambassador of an allied nation." The day succeeding his arrival, he received addresses of congratulation from particular societies, and from the citizens of Philadelphia, who waited on him in a body, in which they expressed their fervent gratitude for the zealous and disinterested aids which the French people had furnished to America, unbounded exultation at the success of their arms, and a positive conviction that the safety of the United States depended on the establishment of the republic. The answers to these addresses were well calculated to preserve the idea of a complete fraternity between the people of the two nations.

Notwithstanding M. Genet's audacious course, in thus setting at defiance the proclamation of neutrality, Washington received him frankly, and with the cordiality due to the representative of a great nation. In conversation, he gave the most explicit assurances that France had no wish to engage the United States in the war against Great Britain and other European powers.

Before Genet reached Philadelphia, the British minister presented to the president a long catalogue of complaints, founded in part on what had transpired at Charleston. These complaints were still farther aggravated by the commission of actual hostilities within the United States. The ship

* For a number of interesting extracts from these papers, see Pitkin's "*Political and Civil History of the United States*," vol. ii., pp. 360–64.

Grange, a British vessel, which had sailed from Philadelphia, was captured by the French frigate L'Ambuscade, within the Capes of the Delaware. The prizes thus made, being brought within the power of the American government, Mr. Hammond demanded their restitution. 1793.

"On many of the points suggested by the conduct of M. Genet, and by the memorials of the British minister, it would seem impossible," says Marshall, "that a difference of opinion could exist among intelligent men, not under the dominion of blind infatuation. Accordingly, it was agreed, without a dissenting voice, in the cabinet, that the jurisdiction of every independent nation, within its own territory, being of a nature to exclude the exercise of any authority therein by a foreign power, the proceedings complained of, not being warranted by treaty, were usurpations of national sovereignty, and violations of neutral rights, a repetition of which it was the duty of the government to prevent. The question of restitution, except as to the Grange, was more dubious. The secretary of state and the attorney-general were of opinion, that vessels which had been captured on the high seas, and brought into the ports of the United States, by vessels fitted out and commissioned in their ports, ought not to be restored. The secretaries of the treasury and of war were of a different opinion. The president took time to deliberate on the point on which his cabinet was divided. Those principles on which they were united being considered as settled, the secretary of state was desired to communicate them to the ministers of France and Britain; and circular letters were addressed to the executives of the several states, requiring their co-operation, with force if necessary, in the execution of the rules which were established.

"The citizen Genet was much dissatisfied with these decisions. He thought them contrary to natural right, and subversive of the treaties by which the two nations were connected. Intoxicated with the sentiments expressed by a great portion of the people, and not appreciating the firm character of the executive, he seems to have expected, that the popularity of his nation would enable him to overthrow that department, or to render it subservient to his views. It is difficult otherwise to account for his persisting to disregard its decisions, and for passages with which his letters abound, such as the following:— 1793.

"'Every obstruction by the government of the United States to the arming of French vessels, must be an attempt on the rights of man, upon which repose the independence and laws of the United States,—a violation of the ties which unite the people of France and America, and even a manifest contradiction of the system of neutrality of the president; for, in fact, if our merchant vessels or others, are not allowed to arm themselves, when the French alone are resisting the league of all the tyrants against the liberty of the people, they will be exposed to inevitable ruin in going out of the ports of the United States; which is certainly not the intention of the people of America.

Their fraternal voice has resounded from every quarter around me, and their accents are not equivocal. They are pure as the hearts of those by whom they are expressed; and the more they have touched my sensibility, the more they must interest in the happiness of America the nation I represent; the more I wish, sir, that the federal government would observe, as far as in their power, the public engagements contracted by both nations; and that, by this generous and prudent conduct, they will give at least to the world, the example of a true neutrality, which does not consist in the cowardly abandonment of their friends in the moment when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them. It is by such proceeding that they will render themselves respectable to all the powers—that they will preserve their friends, and deserve to augment their numbers.'

"A few days previous to the reception of the letter from which the foregoing extract is taken, two citizens of the United States, who had been engaged by M. Genet, in Charleston, to cruise in the service of France, were arrested by the civil magistrate, in pursuance of a determination of the executive to prosecute persons having thus offended against the laws. M. Genet demanded their release in the following extraordinary terms:—

"'I have this moment been informed, that two officers in the service of the republic of France, citizen Gideon Henfield, and John Singletary, have been arrested on board the privateer of the French republic, the Citizen Genet, and conducted to prison. The crime laid to their charge—the crime which my mind cannot conceive, and which my pen almost refuses to state—is the serving of France, and defending, with her children, the common glorious cause of liberty. Being ignorant of any positive law or treaty which deprives Americans of this privilege, and authorizes officers of police arbitrarily to take mariners, in the service of France, from on board their vessels, I call upon your intervention, sir, and that of the president of the United States, in order to obtain the immediate releasement of the abovementioned officers, who have acquired, by the sentiments animating them, and by the act of their engagement, anterior to every act to the contrary, the right of French citizens, if they have lost that of American citizens.'"*

The madness and folly of Genet did not, however, provoke the administration into any unseemly language, or any severity of rebuke; and the long-suffering and patience of Washington, under the outrageous violence and abuse which he received from unscrupulous presses, are worthy of our reverent regard.†

* See Marshall's "*Life of Washington*," vol. ii., pp. 262–67.

† A paragraph or two, from the leading opposition papers of the day, may be quoted here, as illustrating the tone adopted by Genet's supporters towards Washington. "The minister of France, I hope," said Freneau, in the National Gazette, "will act with firmness and with spirit. The people are his friends, or the friends of France, and he will have nothing to apprehend; for as yet, the people are sovereign of the United States. Too much complacency is an in-

Genet, influenced by passion, and rendered furious by finding the president firmly resolved to maintain the ground which he had assumed, was ready for any steps which might suggest themselves. Urged on by the party press, he constantly attended the fêtes which were given him, at which red caps of liberty appeared and circulated, and in which toasts were given, as flattering to the French republican, as vituperative of the American government. Nor were these meetings confined to occasions of conviviality. Societies were formed on the model of the clubs in Paris, and one was set on foot in Philadelphia, for the purpose of influencing, as far as possible, both the legislature and the cabinet.

In a particular instance,—that of *Le Petit Democrat*,—M. Genet took occasion to show his contempt, at once for the authorities of the country and for his own word. A captured British ship was fitted out in the very harbor of Philadelphia, as a privateer against the English. It was ready to sail, when information of the fact reached the secretary of state. Washington was then at Mount Vernon, and Genet, after much abusive language and many violent threats, gave his promise, that the vessel in question should not sail till the president's return. His word was given and broken. for the Little Democrat, in contempt of the express order for the retention of all privateers in port, did, about the middle of July, set sail upon her cruise.*

While the government were debating upon the best course to be pursued with Genet and his offensive pretensions, the latter made complaints on a subject of considerable importance. The principle, that free bottoms make free goods, was engrafted into the treaty of commerce with France, but no stipulation on the subject had been made with England. It followed, that the belligerent rights of Britain were to be decided by the law of nations. Construing this law to give security to the goods of a friend in the bottoms of an enemy, and to subject the goods of an enemy to capture in the bottoms of a friend, the British cruisers took French property out of American vessels, and their courts condemned it as lawful prize. Genet had remonstrated against the acquiescence of the executive in this exposition of the law of nations, in such terms as he was accustomed to employ. On the 9th of July, in the midst of the contest respecting the Little Democrat, he had written a letter, demanding an

1793.

jury done his cause, for as every advantage is already taken of France (not by the people) further condescension may lead to further abuse. If one of the leading features of our government is *pusillanimity*, when the British lion shows his teeth, let France and her minister act as becomes the dignity and justice of their cause, and the honor and faith of nations." "It is no longer possible to doubt," said the General Advertiser, also published in Philadelphia, "that the intention of the executive of the United States is, to look upon the treaty of amity and commerce which exists between France and America, as a nullity; and that they are prepared to join the league of kings against France."

* On the subject of *Le Petit Democrat*, see Marshall's "*Life of Washington*," vol. ii., pp. 270–72. Consult also, a note in Tucker's "*Life of Jefferson*," vol. i., p. 432, in which is pointed out what the author considers unfairness towards Jefferson on the part of Marshall.

immediate and positive answer to the question, what measures the president had taken, or would take, to cause the American flag to be respected.

Towards the close of July, M. Genet again addressed the secretary of state on the subject. After complaining of the insults offered to the American flag, by seizing the property of Frenchmen confided to its protection, he added, "Your political rights are counted for nothing. . . . . In vain does the desire of preserving peace lead to sacrifice the interest of France to that of the moment; in vain does the thirst of riches preponderate over honor in the political balance of America; all this management, all this condescension, all this humility, end in nothing; our enemies laugh at it; and the French, too confident, are punished for having believed that the American nation had a flag, that they had some respect for their laws, some conviction of their strength, and entertained some sentiment of their dignity. . . . . If our fellow-citizens have been deceived, if you are not in a condition to maintain the sovereignty of your people, speak; we have guarantied it when slaves, we shall be able to render it formidable, having become freemen."

Jefferson, in reply to Genet's letter of July 9th, wrote, "I believe it cannot be doubted, but that, by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend, are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the case above-mentioned, and I confess I should be at a loss, on what principle to reclaim it." Genet resisted this view of the matter with all his might, and resorting to menaces and accusations against the president, he insolently threatened an appeal to the people!

These repeated insults convinced Washington, that further forbearance and moderation were beneath the dignity and self-respect of the government, and he determined to insist upon Genet's recall.* A letter was written on the 16th of August, to Mr. Morris, the minister of the United States, at Paris, giving a full account of the matter, with the correspondence, to be laid before the French government. Genet's passion, on receiving, in September, the news of this resolve of the president, can be conceived of only by a perusal of his letter addressed, on that occasion, to the secretary of state. The asperity of his language was not confined to the president, whom he still set at defiance, nor to those "gentlemen who had been painted to him so often as aristocrats and partisans of England." Its bitterness was also extended to the secretary of state himself, who had, he said, "initiated him into mysteries which had inflamed his hatred against all those who aspire to an absolute power." 1793.

* "A more remarkable chapter can hardly be found in the history of diplomacy, than might be furnished from the records of this mission of Genet. It is a memorable instance of the infatuation to which a man of respectable talents and private character, may be driven by political frenzy."—Sparks's "*Life of Washington*," p. 452. See also, a note from Tucker's "*Life of Jefferson*," on p. 312.

During these deliberations, M. Genet was received in New York with the same marks of unlimited attachment which had been exhibited in the more southern states. At this place, too, he manifested the same desire to encourage discontent at the conduct of the government, and to embark America in the quarrel, by impressing upon the people the opinion, that the existence of liberty depended on the success of the French republic.

It is not necessary to enlarge upon this topic. Marshall has given a full and exact account of the various steps which were taken both by Genet and the executive; the singular persistence of the former, in his attempts to set at defiance the government; the large encouragement he received from partisans of France, and opponents of the administration; the intemperate and arrogant letter, which he addressed to the president, and circulated through the newspapers; the flagrant outrage committed against the neutrality of the United States, by the French consul in Boston; Genet's schemes for attacks on Florida and Louisiana; the virulence and excesses of party warfare; and such like. Our limits do not admit of dwelling upon these matters, and we must refer the reader to Marshall, for the particulars.*

In several respects, the relations with England were in a very perplexed and annoying condition. England had never looked with satisfaction upon the probable increase in wealth and power of the United States, and she was quite ready to avail herself of causes of complaint, to throw obstructions in the path of her former colonies. The progress of negotiations with Mr. Hammond had been very slow, and very far from satisfactory. The posts on the frontier were still held, contrary to the treaty of peace, and there was no doubt of British interference with the Indians in the north-west. With the insolence of superior power, British vessels of war stopped American ships, searched them, and impressed American seamen within the acknowledged jurisdiction of the United States; and privateers from the Bermudas committed depredations on American commerce with impunity, and even the sanction of the admiralty courts in those islands. The French

1793.

* See Marshall's "*Life of Washington*," vol. ii., pp. 260–84. As a specimen of that curious, and hardly creditable collection, left by Jefferson, termed "*The Anas*," we quote a passage, in which Washington is introduced in a rather unusual light, for one whose self-control was nearly perfect: "The president manifestly inclined to the appeal to the people. Knox, in a foolish incoherent sort of a speech, introduced the pasquinade lately printed, called the funeral of George W—n, and James W—n, king and judge, etc., where the president was placed on a guillotine. The president was much inflamed; got into one of those passions when he cannot command himself; ran on much on the personal abuse which had been bestowed on him; defied any man on earth to produce one single act of his since he had been in the government, which was not done on the purest motives; that he had never repented but once the having slipped the moment of resigning his office, and that was every moment since; that, by God, he had rather be in his grave, than in his present situation; that he had rather be on his farm, than to be made emperor of the world; and yet that they were charging him with wanting to be a king. That that rascal, Freneau, sent him three of his papers every day, as if he thought he would become the distributor of his papers; that he could see in this nothing but an impudent design to insult him: he ended in this high tone."—Jefferson's "*Writings*," vol. ix., p. 164.

government having, in direct contravention of the treaty, authorized, in May, of this year, the arrest of neutral vessels laden with enemies' goods, or with provisions destined for an enemy's port, Great Britain retaliated, with a design of distressing France, by issuing two orders in council, the one in June, the other in November, which operated with peculiar force upon the commerce of the United States. By the first order, British cruisers were directed to stop all ships loaded with corn, flour or meal, bound to any French port, and send them to some convenient port, where the cargoes might be purchased on behalf of the British government.* By the second, ships of war and privateers were charged to detain all vessels, laden with goods, produced in any colony belonging to France, or with provisions for any such colony, and to bring them for adjudication to the courts of admiralty.

1793.

Outrage such as this upon the rights of neutrals, gave occasion to earnest and indignant remonstrance on the part of the United States, and the orders in council were denounced as unjust in principle and injurious to a high degree in their effects.

Another event likewise occurred this year, peculiarly distressing to American commerce and seamen, and added not a little to the excitement in the public mind against Great Britain. For many years, war had existed between Portugal and Algiers. In consequence of this, Algerine cruisers had been confined to the Mediterranean, by a Portuguese fleet; and the commerce of the United States, as well as that of Portugal herself, had been protected in the Atlantic, from piratical depredations. In September, 1793, an unexpected truce, for a year, was concluded between Portugal and Algiers. The Dey's cruisers, therefore, immediately, and without previous notice, passed into the Atlantic; and American vessels, while on their way to Portugal and other parts of Europe, and without the smallest suspicion of danger, became a prey to these lawless freebooters, and many American seamen were doomed to slavery. There was no reasonable doubt, that England had a great deal to do with this matter, and that, beside her determination to carry on war against France, she was not very unwilling that the United States should also suffer the evils incident to their commerce being entirely unprotected by any naval force.

The causes of discontent which were furnished by Spain, as Marshall states, though less the theme of public declamation, continued to be considerable. That which related to the Mississippi was peculiarly embarrassing. The opinion had been industriously circulated, that an opposition of interests existed between the eastern and the western people, and that the endeavors of the executive to open this great river were feeble and insincere. At a meeting of the Democratic Society, in Lexington, Kentucky, this sentiment was unanimously avowed in terms of extreme disrespect to the government; and a

* Pitkin, (vol. ii., pp. 396–403,) gives particulars, with the documents, etc.

committee was appointed to open a correspondence with the inhabitants of the entire west, for the purpose of uniting them on this subject, and of preparing a remonstrance to the president and Congress of the United States, to be expressed "in the bold, decent and determined language, proper to be used by injured freemen when they address the servants of the people." They claimed much merit for having thus long abstained from using the means they possessed, for the assertion of "a natural and unalienable right," and indicated their opinion that this forbearance could not be long continued. The probability that the public expression of these dangerous dispositions would perpetuate the evil, could not moderate them. This restless temper gave additional importance to the expedition of Genet projected against Louisiana. **1793.**

Private communications strengthened the apprehensions entertained by the president that hostilities with Spain were not far distant. The government had received intelligence from their ministers in Europe, that propositions had been made by the cabinet of Madrid to that of London, the object of which was the United States. The precise nature of these propositions was not ascertained; but it was understood generally, that their tendency was hostile; and Washington, writing to the secretary of war, in June, urged the importance of ascertaining the Spanish force in the Floridas, and such other matters as might be necessary in view of the possible outbreak of a contest with Spain.

On the 2d of December, the third Congress commenced its first session, and the members were punctually in attendance, notwithstanding the city of Philadelphia was still thought to be liable to the malignant fever which had raged during the summer.* On the 3d, Washington met both Houses of Congress in the Senate chamber, and delivered an able and interesting speech. Its opening words were as follows:— **1793.**

"Since the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances of affectionate partiality with which I have been honored by my country, on the other, it could not prevent an earnest wish for that retirement from which no private consideration could ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the executive power; and I humbly implore that Being on whose will the fate

* The yellow fever broke out early in August, and continued its ravages until November. Philadelphia numbered about 50,000 inhabitants at that date; one third were computed to have left the city; and yet, during the prevalence of the fever, there were over 4,000 deaths.

of nations depends, to crown with success our mutual endeavors for the general happiness."

Passing to the new and delicate situation in which the United States had been placed, in consequence of the war, which, in the course of the year, had embraced most of the nations of Europe, particularly those with which they had the most extensive relations and connections, Washington stated, that he had thought it his duty to admonish his fellow-citizens of the consequences of a contraband trade, and particularly of hostile acts to either party; and that, to preserve the country in peace, he had adopted some general rules, which, while they conformed to existing treaties, asserted the privileges of the United States. He further observed, that it must rest with Congress to correct, improve or enforce these rules; and suggested, that some further legislative aid would be found expedient, especially in cases where individuals, within the United States, should array themselves in hostility against any of the powers at war, enter upon military expeditions or enterprises, or usurp or exercise judicial authority therein; and where the penalties for a violation of the laws of nations were indistinctly marked or were inadequate. He at the same time recommended, that while the United States adopted measures for the fulfilment of their duties towards others, they should not neglect those which were necessary for placing the country in a competent state of defence; and that they should exact from others the fulfilment of duties towards themselves. "The United States," he said, "ought not to indulge a persuasion, that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every nation abounds. There is a rank due to the United States among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our prosperity, it must be known that we are, at all times, ready for war."

1793.

After stating the continuance of Indian hostilities, and recommending, among other things, that provision be made for the regular redemption of the public debt, and for the purchase of arms and military stores, he concluded his speech in these impressive words:—

"The several subjects to which I have now referred, open a wide range to your deliberations; and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But, as the legislative proceedings of the United States will never, I trust, be reproached for the want of temper or candor, so shall not the public happiness languish from the want of my strenuous and warmest cooperation."

1793.

On the 5th of December, a message was sent to both Houses, respecting the relations of the United States with foreign powers, especially Great Britain and France. Having stated the extraordinary orders and decrees of the belligerents, and the effect of these upon the commerce of the United States, he went on to observe, in regard to the conduct of the French minister sent to this country by the representative and executive bodies of France,—"It is with extreme concern I have to inform you, that the proceedings of the person whom they have unfortunately appointed their minister-plenipotentiary here, have breathed nothing of the friendly spirit of the nation which sent him; their tendency, on the contrary, has been to involve us in war abroad, and in discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from sentiments of regard to his nation; from a sense of their friendship towards us; from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respect for our mutual dispositions; and, I will add, from a reliance on the firmness of my fellow-citizens in their principles of peace and order." The message was accompanied with copies of the correspondence between Mr. Jefferson and Genet; and of the letter written by the secretary of state to Mr. Morris, which, as Marshall says, "justified the conduct of the United States by arguments too clear to be misunderstood, and too strong ever to be encountered."

1793.

The committee in the House, Mr. Madison being at the head, prepared an answer to the president's speech, which was unanimously adopted.* "The United States," it was said, "having taken no part in the war, which has embraced in Europe the powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of the magistrate, charged with the faithful execution of the laws. We, accordingly, witness with approbation and pleasure, the vigilance with which you have guarded an interruption of that blessing, by your proclamation admonishing our fellow-citizens of the consequences of illicit and hostile acts towards the belligerent parties; and promoting, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation."

1793

The Senate, beside expressing their gratification at the president's unanimous re-election, declared the proclamation to be a "measure well timed and wise, manifesting a watchful solic-

* The republican or democratic party had gained strength in the recent elections, and they were able, by the addition of new members, to elect their candidate, Frederick A. Muhlenburg, as speaker, by a majority of ten votes, over Theodore Sedgwick, whom the federalists supported.

itude for the welfare of the nation, and calculated to promote it."*

A few days later, a confidential message was sent in, respecting the critical situation of affairs with Spain. We have alluded to this point on a previous page, (see p. 326,) and have spoken of some of the difficulties in the way of amicable settlement of matters in dispute. Spain, now in alliance with England, was disposed to take a high tone, and to treat rather cavalierly the propositions of Washington, that each nation should with good faith promote the peace of the other with the neighboring Indian tribes. About the same time, the Spanish government entertained, or affected to entertain, suspicions of hostile incitements by the agents of the United States, to disturb their peace with the Indians. These representations were made in a style, and accompanied with pretensions, to which the American executive could not be inattentive. His Catholic Majesty claimed to be the patron and protector of those Indians. He assumed a right to mediate between them and the United States, and to interfere in the settlement of their boundaries. At length, his representatives, complaining of the aggressions of American citizens on the Indians, declared, "that the continuation of the peace, good harmony and perfect friendship of the two nations, was very problematical for the future, unless the United States should take more convenient measures, and of greater energy, than those adopted for a long time past."

1793.

The arrogant pretensions of the French republic, though still supported by many out of doors, found no open advocates in the House, or in the Senate. The dignity and firmness of the president had produced their usual effect; and the opposition party felt that "an attack on the administration could be placed on no ground more disadvantageous, than on its controversy with M. Genet. The conduct and language of that minister were offensive to reflecting men of all parties. To the various considerations growing out of the discussions themselves, and of the parties engaged in them, one was added which could not be disregarded. The party in France, to which M. Genet owed his appointment, had lost its power; and his fall was the inevitable consequence of the fall of his patrons. That he would probably be recalled was known in America; and that his conduct had been disapproved, was generally believed. The future course of the French republic towards the United States could not be foreseen; and it would be committing something to hazard, not to wait its development."

The secretary of state, nearly three years previously, had been instructed, by a resolution of the House, to make a report as to the nature and extent of the privileges granted to American commerce, as well as

1793

* Early in the session, a discussion arose on a petition against Albert Gallatin, elected Senator from Pennsylvania, as not being duly qualified. After a sharp debate, during the month of February, his election was declared void, and James Ross was chosen by the state in his stead. On this occasion, the Senate opened its doors to the public, a practice which has continued ever since.

the restrictions imposed upon it by foreign nations; and also, as to the measures, in his opinion, proper for the improvement of the commerce and navigation of the United States. The making of this report had been delayed on several accounts, and it was not till near the close of Jefferson's connection with the cabinet, that he found time to have it in readiness to present to Congress. It was, in fact, his last official act, and, pursuant to his determination months before, he resigned his office on the last day of December, 1793.*

This report stated the exports of the United States, in articles of their own produce and manufacture, at $19,587,055; and the imports, at $19,823,060. Of the exports, nearly one-half was carried to Great Britain and her colonies; of the imports, about four-fifths were brought from the same countries. The American shipping amounted to 277,519 tons, of which not quite one-sixth was employed in the trade with Great Britain and her dominions. A detailed account was given of the privileges granted to American commerce, and the restrictions imposed upon it. Two methods were presented in the report, for modifying and counteracting the restrictions on the commerce of the country. 1st. By amicable arrangements, as being the most eligible, if practicable; and 2d. By countervailing acts, on the part of the American government, where friendly arrangements could not be made.

On the 3d of January, 1794, the House resolved itself into a committee of the whole on the report of the late secretary of state, when Mr. Madison, after some prefatory observations, offered a series of resolutions for the consideration of the members.

The substance of the first of these celebrated resolutions was, that the interest of the United States would be promoted by further restrictions and higher duties, in certain cases, on the manufactures and navigation of foreign nations. The additional duties were to be laid on certain articles manufactured by those European nations *which had no commercial treaties with the United States.* The articles selected were those manufactured principally from leather, wool, cotton, silk, hemp, flax, iron, steel, pewter, copper and brass. These resolutions required reciprocity in navigation, except with respect to the West India trade. On foreign vessels employed in this trade, higher tonnage duties were to be imposed, as well as additional duties on their cargoes. The last of the resolutions declared, that provision ought to be made for ascer-

1794.

* Marshall, (vol. ii., p. 298,) points out very clearly the opportune period of Jefferson's retirement, when the federalists could not but praise the ability with which he had conducted the correspondence with Genet, and the republicans were proud of his evident partiality for France and dislike of Great Britain. It would hardly have been possible for Jefferson to have continued much longer in the cabinet, without departing, to some extent, from the principles and views on public affairs which he held and defended on every occasion. Mr. Tucker, (vol. i., p. 469,) in this connection, says; "It is certain, that Monticello was, in this, and the two succeeding years, the headquarters of those opposed to the federal policy, and that few measures of the republican party in Congress, were undertaken without his (Jefferson's) advice or concurrence. He even had an agency in directing the attacks of the opposition journals," etc.

taining the losses sustained by American citizens, from the operation of particular regulations of any country, contravening the law of nations; and that these losses be reimbursed, in the first instance, out of the additional duties on the manufactures and vessels of the nation establishing such regulations.

"The debate on this subject," as Mr. Benton says, "was one of the most elaborate and most replete with knowledge of commercial principles and statistics, which our Congress has furnished. . . . . In this great debate, as in that upon the bank of the United States, the genius of Hamilton and Jefferson were pitted against each other, each having made opposite reports on each question, which were the magazines from which the opposing speakers in Congress chiefly armed themselves,—Mr. Madison being the chief exponent of the Jeffersonian side, and Mr. William Smith of South Carolina, that of General Hamilton."*

On the 3d of February, the first resolution, which contained, as above stated, the general principle of Madison's commercial policy,—discriminating duties in favor of the nations with whom the United States had treaties of commerce,—was carried by a majority of five, in a House of ninety-seven. The extent of the trade with Great Britain, and especially of the imports from her;—the credit which her merchants gave;—the existence of restrictions especially imposed on her commerce, whilst none of the restrictions of which the Americans complained were imposed on them alone, special favor being shown to the trade with the United States;—the certainty of the destruction of their own commerce;—the remarkable fact, that the New England members, who might be expected to know better on this question than others, having more to do with manufactures and trade, were all against the resolutions, whilst the southern states were most in their favor;—these, and similar arguments, were urged against Madison's propositions, along with an effective array of statistics, corrective or contradictory of the statements on the other side. 1794.

Mr. Madison, in advocating the views which he held, looked especially to measures correspondent to the British navigation act, which had given England the command of the sea; and in support of this he disputed the soundness of the facts adduced by the impugner of the resolutions. He contended, that America would thrive more from exclusion and contest than from conciliating and stooping to a power that slighted her; and that now was the moment, if ever, when England was engaged in mortal struggle with France, to bring her to reason.

When the second resolution came under consideration, Mr. Fitzimmons, a member from Pennsylvania, moved an amendment, the effect of which was,

* See "*Abridgement of the Debates of Congress*," vol. i., p. 458. For a full and careful abstract of the arguments on these resolutions of Mr. Madison, see Marshall's "*Life of Washington*," vol. ii., pp. 299–314. See, also, an extract from Fisher Ames's speech, made in committee of the whole, against Mr. Madison's resolutions, Appendix III., at the end of the present chapter.

to extend its operation to all nations. This motion gave way to one made by Mr. Nicholas of Virginia, exempting all nations from its operation except Great Britain. While this was under consideration, the whole subject was postponed until the first Monday of March, by a majority of five; the advocates of the measure voting for the postponement, and its opponents voting against it.

Early in January, a resolution had been agreed to in the House, declaring "that a naval force, adequate to the protection of the commerce of the United States against the Algerine corsairs, ought to be provided." The force proposed was to consist of six frigates.

This measure was founded on the communications of the president respecting the improbability of being able to negotiate a peace with the dey of Algiers; and on undoubted information that these pirates had, during their first short cruise in the Atlantic, captured eleven American merchantmen, and made upwards of one hundred prisoners; and were preparing to renew their attack on the unprotected vessels of the United States.

In every stage of its progress, this bill was most strenuously opposed. On no question had the influence of party feeling been more strongly exhibited. Not even the argument, that it would be cheaper to purchase the protection of foreign powers than to provide for the national defence by a small naval force, was too humiliating to be urged.

The original resolution was carried by a majority of two voices only; but as the bill advanced, several members who were accustomed to vote in the opposition, gave it their support; and, on the final question, a majority of eleven appeared in its favor. The other branch of the legislature concurred, and it received the cordial assent of the president.*

Before the subject of Mr. Madison's commercial resolutions was resumed in the House, the news of the British order in council of the 6th of November, (which had not become known to the American minister in England, until the close of December, 1793,) relative to the French West India trade, arrived in the United States, and roused afresh the hostility against England. Such was the threatening aspect of affairs, that early in the session, a committee of the House was instructed to prepare and report an estimate of the expense requisite to place the principal seaports of the country in a state of defence.† 1794

That some steps should be taken to resist aggressions on the part of England, was very evident; but the members of Congress differed as to what measures ought to be adopted. The opponents of the administration urged the adoption of commercial restrictions,

* See Marshall's "*Life of Washington*," vol. ii., pp. 314–18.

† While the discussions in Congress looked evidently towards war, the speech made by Lord Dorchester, on the 20th of February, to the deputies of a great number of Indian tribes, assembled at Quebec, was received in the United States. It contained pretty plain indications, that war was not unexpected; and his lordship avowed the opinion, that, in such an event, a new line between the two nations must be drawn by the sword.

while its supporters, with the president himself, were in favor of a different course. Various plans were submitted to the House by members in accordance with their different views of the subject.

On the 12th of March, Mr. Sedgwick proposed sundry resolutions, the purport of which was, that fifteen regiments of auxiliary troops be enlisted for two years, on condition, that if war should break out within that time, between the United States and any foreign European nation, they should be bound to serve three years, after the commencement of the war, should the same so long continue; the troops, however, to receive no pay, until the war happened, except half a dollar per day, for each day's exercise in military discipline.*

By the last of the resolutions, the president was authorized to lay an embargo, for forty days, in case he deemed the safety and welfare of the country required it. After an ineffectual attempt to take up this resolution, the House, on the 14th of March, resumed the discussion of Mr. Madison's commercial plan; but without coming to a decision. The debates upon it were renewed with increased heat on both sides.

The opponents of the measure urged the impropriety of its adoption, in the alarming state of affairs with Great Britain; if viewed as a peace measure, they said it was impolitic, if a war measure, inefficient. The great injuries the United States had received, and were receiving, from British spoliations, demanded a much more energetic course of conduct; that the time had arrived when they must seriously prepare for war; that without a speedy redress for these injuries, war was inevitable. While the advocates of the plan urged its efficiency, they declared, that its adoption would not preclude any other which might be proposed. 1794.

To prevent American commerce from being further exposed to depredation, Congress, on the 26th of March, authorized the president to lay an embargo on all ships and vessels in the ports of the United States, bound to any foreign port or place, for the term of thirty days.* The resolutions of Mr Sedgwick, for raising troops, being negatived, he immediately proposed, in

* "The probability of a war with England was increased during the winter, not only by the violent hostility of the opposition, but by the conduct of that power itself; and it became evident, that the defensive preparations recommended by the president, were absolutely necessary. Measures for this purpose were accordingly introduced; and let it be remembered, by the so-called British party. From the federalists originated the embargo, the navy, the additional troops and the provincial army. In all these measures, they were encountered by the majority of the opposition. The conduct of the anti-federalists was indeed extraordinary. While on the one hand, they opposed to the utmost, the establishment of a small naval force for the suppression of the Algerine cruisers, and recommended in lieu thereof, the purchase of peace with those pirates; on the other, they passed every measure which could plunge the country into a war with the most powerful maritime nation in the world; and the principal weapons with which they proposed to coerce her, were commercial restrictions, non-intercourse and the sequestration of the debts due to her subjects."—Gibbs's "*Administrations of Washington and Adams*," vol. i., p. 122.

* The embargo was laid, March 26th, and continued to May 25th, 1794.

general terms, "that measures ought immediately to be taken to render the force of the United States more efficient." This proposition being adopted, a committee, to whom it was referred, reported that an addition be made to the regular military force, including a corps of artillerists and engineers; that the president be authorized to call on the executives of the several states, to organize, and hold in readiness to march at a moment's warning, eighty thousand militia.

Mr. Madison having given notice, that he should call up his commercial regulations, unless some member had more important matter to press upon the attention of Congress, Mr. Smith, of South Carolina, urged the subject of indemnity to the owners of vessels and cargoes which had been captured by some of the belligerent powers. He accordingly introduced a resolution to that effect. Mr. Dayton, deeming it only right to designate the fund from which such indemnity was to be made, submitted two resolutions to the House, on the 27th of March, for sequestering all debts due to British subjects, and for taking measures to secure their payment into the treasury of the United States. The debate on these resolutions was such as was to be expected from the irritable state of the public mind. Before any question was taken on them, Mr. Clarke moved a resolution to prohibit all intercourse with Great Britain, until her government should make full compensation for all injuries done to the citizens of the United States, by armed vessels, or by any person or persons, acting under the authority of the British king; and until the western posts should be delivered up.*

On the 4th of April, the president laid before Congress a letter just received from Mr. Pinckney, communicating additional instructions to the commanders of British armed ships, dated the 8th of January, which revoked those of the 6th of November, and directed British cruisers to bring in those neutral vessels only, which were laden with cargoes, the produce of the French islands, and were on a direct voyage from those islands to Europe. The American minister transmitted the details of a conversation with Lord Grenville, relative to the order in council of the 6th of November, 1793. It seemed plain, that the British government did not desire to push matters to an extremity with the United States, at the present juncture. 1794.

The influence of Mr. Pinckney's communication was considerable with the federalists. Believing that the differences between the two nations still admitted of adjustment, they opposed all measures which tended to irritate, or which might be construed into a dereliction of the neutral character they were desirous of maintaining; but gave all their weight to those which might prepare the nation for war, should negotiation fail. The republicans, however, did not abate their opposition,

* For the debates on the sequestration of British debts, and non-intercourse with Great Britain, see Benton's "*Abridgement of the Debates of Congress*," vol. ii., pp. 482–98.

and the powerful agency of the press, and of the democratic societies, was brought to bear, in order to keep alive and increase hostility against England. "Language," as Marshall says, "will scarcely afford terms of greater outrage, than were employed against those who sought to moderate the rage of the moment. They were denounced as a British faction, seeking to impose chains on their countrymen. Even the majority was declared to be but half roused, and to show little of that energy and decision which the crisis required."*

In this critical position of public affairs, Washington was steadfast in his adherence to the principles he had always avowed, and was neither to be enticed nor driven from the path of right, by popular applause, or popular abuse. As a truly brave, as well as good man, he looked upon war as only a last resort; and he knew that peace was above all things important, not only to the prosperity of the country, but also to prevent such entangling alliance with France, as would involve the United States in difficulties and perplexities of a very serious character. It was his conviction, that the differences between our country and England had not yet reached a point wherein it would be dishonorable to attempt a settlement, except by the sword; and so he resolved upon that decisive measure, which alone seemed to afford any hope of successfully terminating the disputes and differences between the two nations.

On the 16th of April, Washington nominated Chief Justice Jay,* as envoy-extraordinary of the United States to his Britannic majesty. "The communications," he said in his message to the Senate, making this nomination, "which I have made to you, during the present session, from the dispatches of our minister at London, contain a serious aspect of our affairs with Great Britain. But as peace ought to be pursued with unremitted zeal, before the last resource, which has so often been the scourge of nations, and cannot fail to check the advanced prosperity of the United States, is contemplated, I have thought proper to nominate," etc. **1794.**

"My confidence in our minister-plenipotentiary in London, continues undiminished. But a mission like this, while it corresponds with the solemnity of the occasion, will announce to the world a solicitude for the friendly adjustment of our complaints, and a reluctance to hostility. Going immediately from the United States, such

* Marshall's "*Life of Washington*," vol. ii., p. 322. The learned author, in several pages following this, gives various weighty reasons why war, at that date, was especially to be deprecated.

* Mr. Tucker, speaking of the objections of the republicans to the appointment of John Jay, says; it was "urged by them, that those invested with judicial authority should not mingle in other concerns, and still less, with those of party politics, lest they should carry their political feelings on the bench; and that, if the judges could be rewarded with offices of greater distinction and emolument, it would favor that spirit of dependence, against which the Constitution meant to guard, in providing that their offices should not be taken away, nor their salaries diminished; and that the only effectual way of securing their independence, was to make them as inaccessible to the hope of reward, as to the fear of punishment." —"*Life of Jefferson*," vol. i., p. 481.

an envoy will carry with him a full knowledge of the existing temper and sensibility of our country; and will thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity."

The views of the president on this trying occasion were more particularly stated, in a note to the secretary of state,* the day preceding this nomination. "My objects are," said he, "to prevent a war, if justice can be obtained by fair and strong representations (to be made by a special envoy) of the injuries which this country has sustained from Great Britain, in various ways; to put it in a complete state of military defence; and to provide eventually such measures, as seem to be now pending in Congress for execution, if negotiation, in a reasonable time, proves unsuccessful." The nomination of Mr. Jay, though opposed by Aaron Burr, and others, was approved in the Senate, by a vote of eighteen to eight.

Notwithstanding the measure resolved upon by Washington, in commissioning Mr. Jay to endeavor to procure redress for spoliations on our commerce, and to effect a commercial treaty, the opponents of the administration pushed their views, in the House, and succeeded, on the 21st of April, in carrying a bill, cutting off all commercial intercourse with Great Britain, by a vote of fifty-eight to thirty-eight. "Had this measure been carried through both branches of the legislature, there can be little doubt, that it would have rendered the mission of Mr. Jay wholly abortive. The effect must have been, to involve the United States, as a party, in the terrific contest then just beginning between the great powers of Europe. Peace depended upon the action of the Senate, and the Senate was almost equally divided. When the question came up for decision, on the 28th of April, upon two or three preliminary divisions, the opposition did not appear to rally; but on the passage of the bill to a third reading, the vote stood thirteen to thirteen. The vice-president then exercised his privilege of a casting vote, and the measure was defeated."* The consequence of this was, that the majority in the House desisted, for a time, from pressing their views upon Congress.

1794.

In order to provide for that state of things which seemed unavoidable, in the failure of the negotiation, Congress, after the appointment of Mr. Jay, proceeded to place the country in a posture of defence. The principal ports and harbors were directed to be fortified. A detachment of eighty thousand militia was required from the several states, to be ready, at a moment's warning; the exportation of arms was prohibited for a

1794.

* Mr. Randolph had been appointed secretary of state early in January, 1794, and was succeeded in the office of attorney-general, by William Bradford, January 27th, 1794.

* "*Life and Works of John Adams*," vol. i., p. 457. The grandson of Mr. Adams mentions, with natural pride, a number of other instances, in which the casting vote of the vice-president was given to sustain the measures which Washington and the federalists deemed essential to the integrity of the government.

year, and the importation of brass cannon, muskets, swords, cutlasses, musket balls, lead and gunpowder, was encouraged, by permitting them to come in duty free; and a corps of artillerists and engineers was established. The president was also authorized to purchase a number of galleys, and to lay an embargo, whenever, in his opinion, the public safety should require it, during the recess of Congress.

To meet the necessary expenses, the internal taxes were increased, by laying duties on carriages, snuff, refined sugar, on sales at auction, and on licenses for selling wines and spirituous liquors by retail. These duties were violently opposed; and that on carriages was declared, by its opponents, unconstitutional; and in Virginia the collection of this tax was disputed, until a decision of the supreme court of the United States in favor of it.

Congress, also, agreeably to the recommendations of the president, at the opening of the session, took measures to prevent the laws and sovereignty of the country from being again outraged by foreigners, as well as to secure the neutrality of the United States from being compromitted by acts of their own citizens. The enlistment of men, either as soldiers or seamen, within the territory or jurisdiction of the United States, in the service of any foreign prince or state, was prohibited, under a penalty of $1,000, and imprisonment not exceeding three years; the arming of vessels in American ports, to be employed in the service of any foreign state, for the purpose of committing hostilities on the subjects or citizens of any nation with whom the United States were at peace, and the issuing of a commission within the United States, for any vessel to be so employed, were also prohibited under severe penalties; nor was the armament of any foreign vessel to be increased in American ports. Persons who should begin or set on foot, any military expedition or enterprise, to be carried on from the United States, against the dominions of any foreign power at peace with them, were likewise subjected to severe punishments; and the president was authorized to employ the land and naval force of the Union, to compel the observance of these laws. 1794.

Necessary as it was to adopt measures of this decisive character, the whole strength of the opposition was exerted against them.* Motions to strike out the most essential clause were repeated, and each motion was negatived by the casting vote of the vice-president. It was only by his voice, the bill was finally passed. In the House, this bill also encountered serious opposition, and a section which prohibited the sale of prizes in the United States was struck out.

In view of the increased demands upon the treasury,† the committee of

* For Mr. Tucker's account of the materials of which the federal and republican parties were composed, see his "*Life of Jefferson*," vol. i., pp. 483–85.

† At the request of Hamilton, inquiry was renewed in regard to his official conduct. Mr. Giles, and others of his political opponents, were placed on a committee for this purpose; but the severest scrutiny failed to discover anything amiss in the discharge of the important duties of his office.

James Monroe

ways and means reported several resolutions for extending the internal duties to various objects, as we have mentioned above, for an augmentation of the imposts, and for a direct tax. Only thirteen members voted for the direct tax. The augmentation of the duty on imports met with no opposition. The internal duties were introduced in separate bills, that each might encounter those objections only which should be made to itself. A resolution in favor of stamps was rejected; the others were carried, after repeated and obstinate debates.

1794.

On the 9th of June, this active and stormy session, as Marshall terms it, was closed by an adjournment to the first Monday in November.

We may properly mention here, as closely connected with the mission of John Jay to England, the appointment of James Monroe, on the 28th of May, as minister-plenipotentiary to France. Gouverneur Morris, after some four years' service near the French court, had given so little satisfaction to the ruling powers there, in consequence of his entire want of sympathy with the revolutionary excesses of France, that his recall was requested, nay, demanded, and himself treated with extreme discourtesy. Washington, who always held the balance between the two parties, having appointed John Jay, a decided federalist, to proceed to England, was prepared, accordingly, to select some prominent man of the republican party, to succeed Mr. Morris in France. Mr Monroe's predilections were well known to the president, and his nomination was unanimously approved by the Senate; and it was hoped, that his efforts would be successful, in settling the difficulties which had sprung up with France, and threatened very serious consequences. Indeed, the objects of this extraordinary mission had now become of vital importance. "The surreptitious attempts of France to draw this country into the war, had been but a part of the injuries committed by her. The long continued and distressing embargo on the vessels in the port of Bordeaux, illegal captures by French ships of war and privateers, the seizure and forced sales of cargoes and their appropriation to public use without payment, the non-performance of contracts made by the agents of the government for supplies, the oppressions exercised by their courts of admiralty, the taking all foreign trade from individuals into the hand of government, successive orders and decrees contrary to treaty stipulations, were fast making up a catalogue of wrongs against our self-styled ally, that far overshadowed those which had so justly excited public indignation against Great Britain. Unless these could be redressed, war, submission to the will of France, or national disgrace and private ruin must follow."*

The result of these missions to France and England respectively, we shall relate in a subsequent chapter.

* Gibbs's "*Administrations of Washington and Adams*," vol. i., p. 139.

APPENDIX TO CHAPTER VII.

I. QUESTIONS PROPOSED BY PRESIDENT WASHINGTON, FOR THE CONSIDERATION OF THE MEMBERS OF THE CABINET, IN APRIL, 1793, WITH THE LETTER WHICH ENCLOSED THEM.

PHILADELPHIA, *April 18th*, 1793.

SIR,—The posture of affairs in Europe, particularly between France and Great Britain, places the United States in a delicate situation, and requires much consideration of the measures which will be proper for them to observe in the war between those powers. With a view to forming a general plan of conduct for the executive, I have stated and enclosed sundry questions to be considered preparatory to a meeting at my house tomorrow, where I shall expect to see you at nine o'clock, and to receive the result of your reflections thereon.

QUESTION 1. Shall a proclamation issue for the purpose of preventing interferences of the citizens of the United States in the war between France and Great Britain, &c.? Shall it contain a declaration of neutrality or not? What shall it contain?

2. Shall a minister from the republic of France be received?

3. If received, shall it be absolutely or with qualifications? and if with qualifications, of what kind?

4. Are the United States obliged by good faith to consider the treaties heretofore made with France as applying to the present situation of the parties? May they either renounce them or hold them suspended until the government of France shall be established?

5. If they have the right, is it expedient to do either? and which?

6. If they have an option, would it be a breach of neutrality to consider the treaties in operation?

7. If the treaties are to be considered as now in operation, is the guarantee in the treaty of alliance applicable to a defensive war only, or to a war, either offensive or defensive?

8. Does the war in which France is engaged appear to be offensive or defensive on her part? or of a mixed and equivocal character?

9. If of a mixed and equivocal character, does the guarantee in any event apply to such a war?

10. What is the effect of a guarantee, such as that to be found in the treaty of alliance between the United States and France?

11. Does any article in either of the treaties prevent ships of war, other than privateers of the powers opposed to France, from coming into the ports of the United States to act as convoys to their own merchantmen? or does it lay any other restraints upon them more than would apply to the ships of war of France?

12. Should the future regent of France send a minister to the United States, ought he to be received?

13. Is it necessary or advisable to call together the two Houses of Congress with a view to the present posture of European affairs? if it is, what should be the particular objects of such a call?

II. JOHN QUINCY ADAMS ON WASHINGTON'S PROCLAMATION OF NEUTRALITY.

ON the 18th of April, 1793, President Washington submitted to his cabinet thirteen questions with regard to the measures to be taken by him in consequence of the revolution which had overthrown the French monarchy; of the new organization of a republic in that country; of the appointment of a minister from that republic to the United States, and of the war, declared by the National Convention of France against Great Britain. The first of these questions was, whether a proclamation should issue to prevent interferences of the citizens of the United States in the war? Whether the proclamation should or should not contain a declaration of neutrality? The second was whether a minister from the republic of France should be received. Upon these two

questions the opinion of the cabinet was unanimous in the affirmative—that a proclamation of neutrality should issue and that the minister from the French republic should be received. But upon all the other questions, the opinions of the four heads of the departments were equally divided. They were indeed questions of difficulty and delicacy equal to their importance. No less than whether, after a revolution in France annihilating the government with which the treaties of alliance and of commerce had been contracted, the treaties themselves were to be considered binding as between the nations; and particularly whether the stipulation of guarantee to France of her possessions in the West Indies, was binding upon the United States to the extent of imposing upon them the obligation of taking side with France in the war. As the members of the cabinet disagreed in their opinions upon these questions, and as there was no immediate necessity for deciding them, the further consideration of them was postponed, and they were never afterwards resumed. While these discussions of the cabinet of Washington were held, the minister-plenipotentiary from the French republic arrived in this country. He had been appointed by the National Convention of France which had dethroned, and tried, and sentenced to death, and executed Louis the XVIth, abolished the monarchy, and proclaimed a republic one and indivisible, under the auspices of liberty, equality and fraternity, as thenceforth the government of France. By all the rest of Europe, they were then considered as revolted subjects in rebellion against their sovereign; and were not recognized as constituting an independent government.

General Hamilton and General Knox were of opinion that the minister from France should be conditionally received, with the reservation of the question, whether the United States were still bound to fulfil the stipulations of the treaties. They inclined to the opinion that treaties themselves were annulled by the revolution of the government in France—an opinion to which the example of the revolutionary government had given plausibility by declaring some of the treaties made by the abolished monarchy, no longer binding upon the nation. Mr. Hamilton thought also, that France had no just claim to the fulfilment of the stipulation of guarantee, because that stipulation, and the whole treaty of alliance in which it was contained were professedly, and on the face of them, only *defensive*, while the war which the French Convention had declared against Great Britain, was on the part of France *offensive*, the first declaration having been issued by her—that the United States were at all events absolved from the obligation of the guarantee by their inbility to perform it, and that under the Constitution of the United States the interpretation of treaties, and the obligations resulting from them, were within the competency of the executive department, at least concurrently with legislature. It does not appear that these opinions were debated or contested in the cabinet. By their unanimous advice the proclamation was issued, and Edmund Charles Genet was received as minister-plenipotentiary of the French republic. Thus the executive administration did assume and exercise the power of recognizing a revolutionary foreign government as a legitimate sovereign with whom the ordinary diplomatic relations were to be entertained. But the proclamation contained no allusion whatever to the United States and France, nor of course to the article of guarantee or its obligations.

Whatever doubts may have been entertained by a large portion of the people, of the right of the executive to acknowledge a new and revolutionary government, not recognized by any other sovereign state, or of the sound policy of receiving without waiting for the sanction of Congress, a minister from a republic which had commenced her career by putting to death the king whom she had dethroned, and which had rushed into war with almost all the rest of Europe, no manifestation of such doubts was publicly made. A current of popular favor sustained the French Revolution, at that stage of its progress, which nothing could resist, and far from indulging any question of the right of the president to recognize a new revolutionary government, by receiving from it the credentials which none but sovereigns can grant, the American people would, at that moment, have scarcely endured an instant of hesitation on the part of the president, which should have delayed for an hour the reception of the minister from the republic of France. But the proclamation enjoining neutrality upon the people of the United States, indirectly counteracted the torrent of par-

tiality in favor of France, and was immediately assailed with intemperate violence in many of the public journals. The *right* of the executive to issue any proclamation of neutrality was fiercely and pertinaciously denied, as a usurpation of legislative authority, and in that particular case it was charged with forestalling and prematurely deciding the question whether the United States were bound, by the guarantee to France of her West India possessions in the treaty of alliance, to take side in the war with her against Great Britain — and with deciding it against France.

Mr. Jefferson had advised the proclamation; but he had not considered it as deciding the question of the guarantee. The government of the French republic had not claimed and never did claim the performance of the guarantee. But so strenuously was the right of the president to issue the proclamation contested, that Mr. Hamilton, the first adviser of the measure, deemed it necessary to defend it inofficially before the public. This he did in seven successive papers under the signature of Pacificus. But in defending the proclamation, he appears to consider it as necessarily involving the decision against the obligation of the guarantee, and maintain the right of the executive so to decide. Mr. Madison, perhaps in some degree influenced by the opinions and feeling of his long cherished and venerated friend Jefferson, was already harboring suspicions of a formal design on the part of Hamilton, and of the federal party generally, to convert the government of the United States into a monarchy like that of Great Britain, and thought he perceived in these papers of Pacificus the assertion of a prerogative in the president of the United States to engage the nation in war. He therefore entered the lists against Mr. Hamilton in the public journals, and in five papers under the signature of Helvidius, scrutinized the doctrines of Pacificus with an acuteness of intellect never perhaps surpassed, and with a severity scarcely congenial to his natural disposition, and never on any other occasion indulged. Mr. Hamilton did not reply; nor in any of his papers did he notice the animadversions of Helvidius. But all the presidents of the United States have from that time exercised the right of yielding and withholding the recognition of governments consequent upon revolutions, though the example of issuing a proclamation of neutrality has never been repeated.

The respective powers of the president and Congress of the United States, in the case of war with foreign powers, are yet undetermined. Perhaps they can never be defined. The Constitution expressly gives to Congress the power of *declaring* war, and that act can of course never be performed by the president alone. But war is often made without being declared. War is a state in which nations are placed not alone by their own acts, but by the acts of other nations. The *declaration* of war is in its nature a legislative act, but the conduct of war is and must be executive. However startled we may be at the idea that the executive chief magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in numberless cases he has and must have exercised the power. In the case which gave rise to this controversy, the recognition of the French republic and the reception of her minister might have been regarded by the allied powers as acts of hostility to them, and they did actually interdict all neutral commerce with France. Defensive war must necessarily be among the duties of the executive chief magistrate.

The papers of Pacificus and Helvidius are among the most ingenious and profound commentaries on that most important part of the Constitution, the distribution of the legislative and executive powers incident to war, and when considered as supplementary to the joint labors of Hamilton and Madison in the Federalist, they possess a deep and monitory interest to the American philosophical statesman. The Federalist exhibits the joint efforts of two powerful minds in promoting one great common object, the adoption of the Constitution of the United States. The papers of Pacificus and Helvidius present the same minds, in collision with each other, exerting all their energies in conflict upon the construction of the same instrument which they had so arduously labored to establish; and it is remarkable, that upon the points in the papers of Pacificus most keenly contested by his adversary, the most forcible of his arguments are pointed with quotations from the papers of the Federalist, written by Mr. Hamilton.

But whether in conjunction with or in opposition to each other, the co-operation or the encounter of intellects thus exalted and refined, controlled by that moderation and humanity, which have hitherto characterized the history of our Union, cannot but ultimately terminate in spreading light and promoting peace among men. Happy, thrice happy the people, whose political oppositions and conflicts have no ultimate appeal but to their own reason; of whose party feuds the only conquests are of argument, and whose only triumphs are of the mind. In other ages and in other regions than our own, the question of the respective powers of the legislature and of the executive with reference to war, might itself have been debated in blood, and sent numberless victims to their account on the battle-field or the scaffold. So it was in the sanguinary annals of the French revolution. So it has been and yet is in the successive revolutions of our South American neighbors. May that merciful Being who has hitherto overruled all our diversities of opinion, tempered our antagonizing passions, and conciliated our conflicting interests, still preside in all our councils, and in the tempests of our civil commotions still ride in the whirlwind and direct the storm.

III. FISHER AMES'S SPEECH ON MR. MADISON'S COMMERCIAL RESOLUTIONS.

IF we take the aggregate view of our commercial interests, we shall find much more occasion for satisfaction, and even exultation, than complaint, and none for despondence. It would be too bold to say, that our condition is so eligible there is nothing to be wished. Neither the order of nature, nor the allotments of Providence, afford perfect content; and it would be absurd to expect in our politics what is denied in the laws of our being. The nations with whom we have intercourse have, without exception, more or less restricted their commerce. They have framed their regulations to suit their real or fancied interests. The code of France is as full of restrictions as that of England. We have regulations of our own; and they are unlike those of any other country. Inasmuch as the interest and circumstances of nations vary so essentially, the project of an exact reciprocity on our part is a vision. What we desire is, to have, not an exact reciprocity, but an intercourse of mutual benefit and convenience.

It has scarcely been so much as insinuated, that the change contemplated will be a profitable one; that it will enable us to sell dearer and to buy cheaper: on the contrary, we are invited to submit to the hazards and losses of a conflict with our customers; to engage in a contest of self-denial. For what?—to obtain better markets? No such thing; but to shut up forever, if possible, the best market we have for our exports, and to confine ourselves to the dearest and scarcest markets for our imports. And this is to be done for the benefit of trade; or, as it is sometimes more correctly said, for the benefit of France. This language is not a little inconsistent and strange from those who recommend a non-importation agreement, and who think we should even renounce the sea and devote ourselves to agriculture. Thus, to make our trade more free, it is to be embarrassed, and violently shifted from one country to another, not according to the interest of the merchants, but the visionary theories and capricious rashness of the legislators. To make trade better, it is to be made nothing.

So far as commerce and navigation are regarded, the pretences for this contest are confined to two. We are not allowed to carry manufactured articles to Great Britain, nor any products, except of our own growth; and we are not permitted to go, with our own vessels, to the West Indies. The former, which is a provision of the navigation act, is of little importance to our interests, as our trade is chiefly a direct one, our shipping not being equal to the carrying for other nations; and our manufactured articles are not furnished in quantities for exportation, and if they were, Great Britain would not be a customer. So far, therefore, the restriction is rather nominal than real.

The exclusion of our vessels from the West Indies is of more importance. When we propose to make an effort to force a privilege from Great Britain, which she is loath to yield to us, it is necessary to compare the value of the object with the effort, and above all to calculate very warily the probability of success. A trivial thing deserves not a great exertion; much less ought we to stake a very great good in possession, for a slight chance of a less good. The carriage of one

half the exports and imports to and from the British West Indies, is the object to be contended for. Our whole exports to Great Britain are to be hazarded. We sell on terms of privilege, and positive favor, as it has been abundantly shown, near seven millions to the dominions of Great Britain. We are to risk the privilege in this great amount —for what? For the freight only of one half the British West India trade with the United States. It belongs to commercial men to calculate the entire value of the freight alluded to. But it cannot bear much proportion to the amount of seven millions. Besides, if we are denied the privilege of carrying our articles in our vessels to the islands, we are on a footing of privilege in the sale of them. We have one privilege, if not two. It is readily admitted, that it is a desirable thing to have our vessels allowed to go to the English islands; but the value of the object has its limits, and we go unquestionably beyond them, when we throw our whole exports into confusion, and run the risk of losing our best markets, for the sake of forcing a permission to carry our own products to one of those markets; in which too, it should be noticed, we sell much less than we do to Great Britain herself. If to this we add, that the success of the contest is grounded on the sanguine and passionate hypothesis of our being able to starve the islanders, which, on trial, may prove false, and which our being involved in the war would overthrow at once, we may conclude, without going further into the discussion, that prudence forbids our engaging in the hazards of a commercial war; that great things should not be staked against such as are of much less value; that what we possess should not be risked for what we desire, without great odds in our favor; still less, if the chance is infinitely against us.

If these considerations should fail of their effect, it will be necessary to go into an examination of the tendency of the system of discrimination to redress and avenge all our wrongs, and to realize all our hopes.

It has been avowed, that we are to look to France, not to England, for advantages in trade; we are to show our spirit, and to manifest towards those who are called enemies, the spirit of enmity, and towards those we call friends, something more than passive good will. We are to take active measures to force trade out of its accustomed channels, and to shift it by such means from England to France. The care of the concerns of the French manufacturers may be, perhaps, as well left in the hands of the convention, as usurped into our own. However our zeal might engage us to interpose, our duty to our own immediate constituents demands all our attention. To volunteer it, in order to excite competition in one foreign nation to supplant another, is a very strange business; and to do it, as it has been irresistibly proved it will happen, at the charge and cost of our own citizens, is a thing equally beyond all justification and all example. What is it but to tax our own people for a time, perhaps for a long time, in order that the French may at last sell as cheap as the English?—cheaper they cannot, nor is it so much as pretended. The tax will be a loss to us, and the fancied tendency of it not a gain to this country in the event, but to France. We shall pay more for a time, and in the end pay no less; for no object but that one nation may receive our money, instead of the other. If this is generous towards France, it is not just to America. It is sacrificing what we owe to our constituents, to what we pretend to feel towards strangers. We have indeed heard a very ardent profession of gratitude to that nation, and infinite reliance seems to be placed on her readiness to sacrifice her interest to ours. The story of this generous strife should be left to ornament fiction. This is not the form nor the occasion to discharge our obligations of any sort to any foreign nation: it concerns not our feelings but our interests; yet the debate has often soared high above the smoke of business into the epic region. The market for tobacco, tar, turpentine and pitch, has become matter of sentiment; and given occasion alternately to rouse our courage and our gratitude.

If, instead of hexameters, we prefer discussing our relation to foreign nations in the common language, we shall not find, that we are bound by treaty to establish a preference in favor of the French. The treaty is founded on a professed reciprocity, favor for favor. Why is the principle of treaty or no treaty made so essential, when the favor we are going to give is an act of supererogation? It is not expected by one of the nations in treaty: for Holland has declared in her treaty with us, that such preferences are the fruit

ful source of animosity, embarrassment and war. The French have set no such example. They discriminate, in their late navigation act, not as we are exhorted to do, between nations in treaty and not in treaty, but between nations at war and not at war with them; so that, when peace takes place, England will stand, by that act, on the same ground with ourselves. If we expect by giving favor to get favor in return, it is improper to make a law. The business belongs to the executive, in whose hands the Constitution has placed the power of dealing with foreign nations. It is singular to negotiate legislatively; to make by a law half a bargain, expecting a French law would make the other. The footing of treaty or no treaty is different from the ground taken by the mover himself in supporting his system. He has said, favor for favor is principle: nations not in treaty grant favors, those in treaty restrict our trade. Yet the principle of discriminating in favor of nations in treaty, is not only inconsistent with the declared doctrine of the mover and with facts, but it is inconsistent with itself. Nations not in treaty, are so very unequally operated upon by the resolutions, it is absurd to refer them to one principle. Spain and Portugal have no treaties with us, and are not disposed to have: Spain would not accede to the treaty of commerce between us and France, though she was invited: Portugal would not sign a treaty after it had been discussed and signed on our part. They have few ships or manufactures, and do not feed their colonies from us: of course there is little for the discrimination to operate upon. The operation on nations in treaty is equally a satire on the principle of discrimination. In Sweden, with whom we have a treaty, duties rise higher if borne in our bottoms, than in her own. France does the like, in respect to tobacco, two and a half livres the kentle, which in effect prohibits our vessels to freight tobacco. The mover has, somewhat unluckily, proposed to except from this system nations having no navigation acts; in which case, France would become the subject of unfriendly discrimination, as the House have been informed, since the debate began, that she has passed such acts.

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The system before us is a mischief, that goes to the root of our prosperity. The merchants will suffer by the schemes and projects of a new theory. Great numbers were ruined by the convulsions of 1775. They are an order of citizens deserving better of government, than to be involved in new confusions. It is wrong to make our trade wage war for our politics. It is now scarcely said, that it is a thing to be sought for, but a weapon to fight with. To gain our approbation to the system, we are told, it is to be gradually established. In that case, it will be unavailing. It should be begun with in all its strength, if we think of starving the islands. Drive them suddenly and by surprise to extremity, if you would dictate terms; but they will prepare against a long-expected failure of our supplies.

Our nation will be tired of suffering loss and embarrassment for the French. The struggle, so painful to ourselves, so ineffectual against England, will be renounced, and we shall sit down with shame and loss, with disappointed passions and aggravated complaints. War, which would then suit our feelings, would not suit our weakness. We might, perhaps, find some European power willing to make war on England, and we might be permitted by a strict alliance, to partake the misery and the dependence of being a subaltern in the quarrel. The happiness of this situation seems to be in view, when the system before us is avowed to be the instrument of avenging our political resentments. Those who affect to dread foreign influence, will do well to avoid a partnership in European jealousies and rivalships. Courting the friendship of the one, and provoking the hatred of the other, is dangerous to our real independence; for it would compel America to throw herself into the arms of the one for protection against the other. Then foreign influence, pernicious as it is, would be sought for; and though it should be shunned, it could not be resisted. The connections of trade form ties between individuals, and produce little control over government. They are the ties of peace, and are neither corrupt nor corrupting.

We have happily escaped from a state of the most imminent danger to our peace: a false step would lose all the security for its continuance, which we owe at this moment to the conduct of the president. What is to save us from war? Not our own power, which inspires no terror; not the gentle and forbearing spirit of the powers of

Europe at this crisis; not the weakness of England; not her affection for this country, if we believe the assurances of gentlemen on the other side. What is it then? It is the interest of Great Britain to have America for a customer, rather than an enemy; and it is precisely that interest, which gentlemen are so eager to take away, and to transfer to France. And what is stranger still, they say they rely on that operation as a means of producing peace with the Indians and Algerines. The wounds inflicted on Great Britain by our enmity, are expected to excite her to supplicate our friendship, and to appease us by soothing the animosity of our enemies. What is to produce effects so mystical, so opposite to nature, so much exceeding the efficacy of their pretended causes? This wonder-working paper on the table is a weapon of terror and destruction: like the writing on Belshazzar's wall, it is to strike parliaments and nations with dismay: it is to be stronger than fleets against pirates, or than armies against Indians. After the examination it has undergone, credulity itself will laugh at these pretensions.

We pretend to expect, not by the force of our restrictions, but by the mere show of our spirit, to level all the fences that have guarded for ages the monopoly of the colony trade. The repeal of the navigation act of England, which is cherished as the palladium of her safety, which time has rendered venerable, and prosperity endeared to her people, is to be extorted from her fears of a weaker nation. It is not to be yielded freely, but violently torn from her; and yet the idea of a struggle to prevent indignity and loss, is considered as a chimera too ridiculous for sober refutation. She will not dare, say they, to resent it; and gentlemen have pledged themselves for the success of the attempt: what is treated as a phantom, is vouched by fact. Her navigation act caused a contest with the Dutch, and four desperate sea-fights ensued the very year of its passage.

How far it is an act of aggression for a neutral nation to assist the supplies of one neighbor, and to annoy and distress another at the crisis of a contest between the two, which strains their strength to the utmost, is a question which we might not agree in deciding; but the tendency of such unseasonable partiality to exasperate the spirit of hostility against the intruder, cannot be doubted. The language of the French government would not soothe this spirit. It proposes, on the sole condition of a political connection, to extend to us a part of their West India commerce. The coincidence of our measures with their invitation, however singular, needs no comment. Of all men, those are least consistent, who believe in the efficacy of the regulations, and yet affect to ridicule their hostile tendency. In the commercial conflict, say they, we shall surely prevail and effectually humble Great Britain.

In open war, we are the weaker, and shall be brought into danger, if not to ruin. It depends, therefore according to their own reasoning, on Great Britain herself, whether she will persist in a struggle which will disgrace and weaken her, or turn it into a war which will throw the shame and ruin upon her antagonist. The topics which furnish arguments to show the danger to our peace from the resolutions, are too fruitful to be exhausted. But, without pursuing them further, the experience of mankind has shown, that commercial rivalships, which spring from mutual efforts for monopoly, have kindled more wars, and wasted the earth more, than the spirit of conquest.

I hope we shall show by our vote, that we deem it better policy to feed nations than to starve them, and that we shall never be so unwise, as to put our good customers into a situation to be forced to make every exertion to do without us. By cherishing the arts of peace, we shall acquire, and we are actually acquiring, the strength and resources for a war. Instead of seeking treaties, we ought to shun them; for the later they shall be formed, the better will be the terms: we shall have more to give, and more to withhold. We have not yet taken our proper rank, nor acquired that consideration, which will not be refused us, if we persist in prudent and pacific counsels; if we give time for our strength to mature itself. Though America is rising with a giant's strength, its bones are yet but cartilages. By delaying the beginning of a conflict, we insure the victory.

By voting out the resolutions, we shall show to our own citizens, and foreign nations, that our prudence has prevailed over our prejudices, that we prefer our interests to our resentments. Let us assert a genuine independence of spirit: we shall be false to our duty and feelings as Americans, if we basely descend to a servile dependence on France or Great Britain.

CHAPTER VIII.

1794-1796.

FURTHER TRIALS OF THE ADMINISTRATION.

Intrigues of the French in the west — Doings in Kentucky — Campaign of General Wayne against the Indians — Opposition to the excise laws — Outrage on the officers — Washington calls out the militia — Proceedings of the insurgents — The army marches into the disaffected region — The insurrection quelled — Washington's opening speech to Congress — His censure of the democratic societies — Other matters in the speech — Answers of the Senate and of the House — Proceedings in Congress — Hamilton's report on the support of public credit and the increase of the revenue — His propositions on this subject — The result — Hamilton's resignation — The third Congress ends — The treaty with England negotiated by John Jay — Principal features of this treaty — The Senate agree to ratify it — A Virginia Senator publishes it in a newspaper — Intense excitement — Public meetings — Washington's letter to the selectmen of Boston — Abuse heaped on the president — Sparks's remarks on the treaty — Randolph's resignation — Doubts as to his case — Wayne's treaty with the Indians — Substance of the treaty with Spain — Peace concluded with the dey of Algiers — Some particulars — Washington's opening speech to Congress — Measures recommended — Answer by the Senate — Answer by the House — Monroe's mission to France — Proceedings there — Adet sent as minister to succeed Fauchet — Presents the French colors — Washington's reply to his speech — Adet's complaints — Washington proclaims the British treaty as complete — Course taken by the House — Debate on the treaty-making power — Washington refuses the calls for papers — Opposition to passing the laws necessary to carry the treaty into effect — The celebrated debate on this subject — Fisher Ames's great speech — Settlement of the question — Other doings of Congress — The session closed. APPENDIX TO CHAPTER VIII. Fisher Ames's Speech on the British Treaty.

GENET, whose intemperate and violent course had given so great offence to the American government, was recalled, and M. Fauchet, his successor, arrived in the United States, in February, 1794. He brought with him assurances that Genet's conduct was condemned by the French government, and avowed his determination to pursue such a line of action as would be acceptable to the president, and in accordance with the policy which he had resolved upon with reference to the belligerent powers. For a while, M. Fauchet acted up to the spirit of these professions.

1794.

In the west, however, French influence having fomented discontents, the state of affairs there began to assume an alarming aspect. The high-spirited Kentuckians addressed a remonstrance to the president and Congress, on the subject of the navigation of the Mississippi. Taking a lofty and quite unbecoming tone, they demanded the use of this great river as a natural right, and charged the government with being under the influence of a sectional policy, which had withheld from the western people that which was essential to their prosperity. Unfounded aspersions were cast upon Congress and the executive, and pretty strong hints were thrown out of the dangers of a dismemberment of the Union in case they were not satisfied on this vital point.

Both Houses of Congress passed resolutions, expressing their conviction, that Washington was urging the claims of the United States to the navigation of the Mississippi, in the manner most likely to prove successful; and he was directed to communicate to the Kentuckians, such part of the negotiations as he deemed advisable, at the present, to disclose. Not satisfied with this, because this was not really the substance of what they were aiming at, a number of the principal citizens of the state assembled at Lexington, and passed resolutions breathing a dangerous as well as intemperate spirit, and recommending further steps in order to secure what they claimed as their just and inalienable rights. Marshall traces, with undoubted correctness, the connection of these proceedings in the west, with the lawless conduct of Genet and his French emissaries, and details the steps which were taken to prevent a violation of the neutrality of the United States towards Spain. It required all the weight of character and the firmness of Washington, to make head against the embittered passions and prejudices to which he was exposed in connection with these subjects.

General Wayne, who had been appointed to the command of the forces against the Indians, made many and earnest endeavors to negotiate a peace. Failing entirely in this, the campaign was opened, in the autumn of 1793, with as much vigor as circumstances would permit. It was too late to complete the preparations which would enable General Wayne to enter their country, and to hold it. He therefore contented himself with establishing his troops for the winter, about six miles in advance of Fort Jefferson, and taking possession of the ground on which the Americans had been defeated in 1791, on which he erected Fort Recovery. These positions afforded considerable protection to the frontiers.

The delays inseparable from the transportation of supplies, through an uninhabited country, infested by an active enemy, peculiarly skilled in partisan war, unavoidably protracted the opening of the campaign until near midsummer. Meanwhile, several sharp skirmishes took place, in one of which a few white men were said to be mingled with the Indians. 1794.

On the 8th of August, General Wayne reached the confluence of the Auglaize and the Maumee River, in the vicinity of which lay the richest settlements of the western Indians. The mouth of the Auglaize is distant about thirty miles from a post then occupied by the British, on the Maumee River; near to which the whole strength of the enemy, amounting, as General Wayne was informed, to rather less than two thousand men, was collected. The legion was not much inferior in number to the Indians; and a reinforcement of eleven hundred mounted militia, commanded by General Scott, had been received from Kentucky.

On the 15th of August, the American army advanced down the Maumee; and on the 18th, arrived at the rapids, where they halted, on the 19th, in order to erect a temporary work for the protection of the baggage, and to re-

connoitre the situation of the enemy. The Indians, they found, were advantageously posted behind a thick wood, and behind the British fort.

At eight, in the morning of the 20th, the American army advanced in columns, the right flank of the legion covered by the Maumee. One brigade of mounted volunteers, commanded by General Todd, was on the left; the other, commanded by General Barbee, brought up the rear. A select battalion, commanded by Major Price, moved in front of the legion. After marching about five miles, Major Price received a heavy fire from a concealed enemy, and was compelled to retreat.

1794.

The Indians had chosen their ground with judgment. They had advanced into a thick wood in front of the British works, and had taken a position rendered almost inaccessible to horse by a quantity of fallen timber. They were drawn up in three lines, extending at right angles with the river, about two miles, and their immediate effort was to turn the left flank of the American army.

On the discharge of the first rifle, the legion was formed in two lines, and the front was ordered to advance with trailed arms, and rouse the Indians from their covert, at the point of the bayonet; then, and not till then, to deliver a fire, and to press the fugitives too closely to allow them time to load after discharging their pieces. Perceiving that the enemy was endeavoring to turn the American left, the general ordered up the second line. The legion cavalry, led by Captain Campbell, was directed to penetrate between the Indians and the river, in order to charge their left flank; and General Scott, at the head of the mounted volunteers, was directed to make a considerable circuit, and to turn their right.

These orders were executed with spirit and promptitude; but so impetuous was the charge made by the first line of infantry, so entirely was the enemy broken by it, and so rapid was the pursuit, that only a small part of the second line, and of the mounted volunteers, could get into the action. In the course of one hour, the Indians were driven more than two miles through thick woods; when the pursuit terminated within gunshot of the British fort.

General Wayne remained three days on the banks of the Maumee, in front of the field of battle, during which time the houses and corn-fields above and below the fort, some of them within pistol-shot of it, were reduced to ashes. During these operations, a correspondence took place between General Wayne and Major Campbell, the commandant of the fort, which shows that hostilities between them were prevented only by the prudent acquiescence of the latter in this destruction of property within the range of his guns. On the 28th, the army returned to the Auglaize by easy marches, destroying, on its route, all the villages and corn within fifty miles of the river.

In this decisive battle, the loss of the Americans, in killed and wounded, amounted to one hundred and seven. Among the dead, was Captain Camp-

bell, of the cavalry, and Lieutenant Towles, of the infantry. General Wayne bestowed great and well-merited praise on every part of the army.

The hostility of the Indians still continuing, their whole country was laid waste, and forts were erected in the heart of their settlements, to prevent their return. This seasonable victory rescued the United States from a general war with the Indians.*

The determined opposition in the western counties of Pennsylvania to the excise laws, broke out this year into open rebellion, and the revenue officers, in attempting to do their duty, were maltreated, and their lives threatened. In July, 1794, the marshal of the district, in endeavoring to execute process on the delinquents, was attacked by an armed force, and fired upon, but fortunately without injury. He was soon after taken prisoner by an armed mob, and compelled, under the fear of immediate death, to engage not to serve any process on the west side of the Alleghany mountains. Early on the morning of the 16th, the house of General Neville, the inspector, near Pittsburg, was attacked, but defended with so much spirit, that the assailants were obliged to retire. Apprehending a second and more powerful attack, the inspector applied to the judges, civil magistrates and military officers for protection. But he was informed, that the combination against the execution of the laws was so general in that quarter, that no protection could be given. The attack was soon after renewed by about five hundred men. The inspector considering it impossible to resist with effect so large a force, and that his life must be the sacrifice, by the advice of his friends retired to a place of concealment. About eleven men from the garrison at Pittsburg remained, with a hope of saving the property.

1794.

The assailants demanded, that the inspector should come out and renounce his office, but were informed that he had retired, on their approach, to some place unknown. The papers belonging to his office were then required, and after a short but indecisive parley on the subject, the house was attacked, and a firing commenced between its occupants and the insurgents; in consequence of which one of the assailants was killed, and a number on both sides wounded. The house was at last set on fire and consumed. The marshal and inspector made their escape down the Ohio, and by a circuitous route, reached the seat of government. The excise laws, as they were called, were unpopular in some of the other states, and strong indications were given of a more extensive and open opposition.

1794.

The insurgents were, no doubt, encouraged by individuals, as Pitkin states, particularly by the democratic societies, in different parts of the Union.

This created considerable alarm in the mind of the president, and he entertained some doubt, whether the militia, if called upon to suppress the insurrection, would obey the orders of

* See Marshall's "*Life of Washington*," vol. ii., pp. 336–40.

the executive. There was, however, no alternative but to compel submission to the laws by military force, and the president was not wanting to himself and his country in this emergency.

The act of Congress, which provided for calling forth the militia, required, as a prerequisite to the exercise of the power, that a judge should certify "that the laws of the United States were opposed, or their execution obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals." It also provided, "that if the militia of the state where such combinations may happen, shall refuse or be insufficient to suppress the same, the president may employ the militia of other states."

The certificate of Judge Wilson having been obtained, the subject was again seriously considered in the cabinet: and the governor of Pennsylvania was also consulted. All concurred in the appointment of commissioners, who should convey a full pardon for past offences, upon the condition of future submission; but a difference of opinion existed as to any further and necessary measures.

1794. The act made it the duty of the president, previous to the employment of military force, to issue his proclamation, commanding the insurgents to disperse within a limited time. The secretary of state (and the governor of Pennsylvania was understood to concur with him) was of opinion, that this conciliatory mission should be unaccompanied by any measure which might wear the appearance of coercion. The secretaries of the treasury and of war, and the attorney-general, were of a different opinion. They thought that the occasion required a full trial of the ability of the government to enforce obedience to the laws; and that the employment of a force which would render resistance desperate, was dictated equally by humanity and sound policy. The insurgent counties contained sixteen thousand men capable of bearing arms; and the computation was, that they could bring seven thousand into the field. An army of twelve thousand would present an imposing force, which the insurgents could not venture to meet.

Having no doubt in his own mind as to the course he ought to pursue, Washington, on the 7th of August, issued a proclamation, commanding the insurgents to disperse before the 1st of September, and warning all persons against aiding, abetting or comforting the perpetrators of these treasonable acts, and requiring all officers, and other citizens, according to their respective duties and the laws of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings. On the same day a requisition was made on the governors of New Jersey, Pennsylvania, Maryland and Virginia, for their several quotas of militia, to compose an army of twelve thousand men. This number was afterwards augmented to fifteen thousand.

Unwilling, however, to resort to military coercion, until every other expedient had failed, the president, with a truly paternal care, made one more peaceable effort to bring the disaffected to a sense of their duty. He appointed

James Ross, Jasper Yates, and William Bradford, gentlemen distinguished for their talents and integrity, commissioners to repair to the scene of the insurrection, for the purpose of conferring with the insurgents, to represent to them how painful to the president, was the idea of exercising military power, and that it was his earnest wish to render it unnecessary, by those endeavors which humanity, a love of peace and tranquillity, and the happiness of his fellow-citizens, dictated. The commissioners were empowered to promise an amnesty, and perpetual oblivion of the past, on condition of future submission to the laws. Two commissioners were appointed by the state of Pennsylvania, to join with those on the part of the United States.

1794.

Previous to this, by the orders of Bradford, one of the principal leaders of the opposition, the mail was stopped by force, and sundry letters from gentlemen at Pittsburg, giving an account of the proceedings of the insurgents, were taken out and opened. At Bradford's demand, the offending authors of these letters were banished from Pittsburg; and the people agreed to assemble the next day in Braddock's field; and to elect delegates to a convention, which was to meet on the 14th of August, at Parkinson's Ferry. The avowed objects of these outrages were to compel the resignation of all officers engaged in the collection of duties; to withstand the authority of the United States by force of arms; to extort the repeal of the law imposing those duties; and to compel an alteration in the conduct of the government.

The convention of the insurgents was held, on the 14th, at Parkinson's Ferry, and was attended by about two hundred delegates. A vigorous attempt was made by Bradford, to influence the assembly, and incite them to treasonable and daring acts, but with very little success. Edward Cooke was elected chairman, and Albert Gallatin, secretary. Mr. Marshall, one of those who called the meeting at Braddock's field, introduced sundry resolutions of a stringent character, which, after modification, were passed. A committee of safety, consisting of sixty members, was appointed, who chose fifteen of their number, to receive and report the propositions of the commissioners.

1794.

After a conference held at Pittsburg, a general amnesty was promised, on condition of submission to the laws; and the committee of fifteen were unanimously in favor of accepting the terms offered by the government. The committee of safety hesitated as to their course, but determined to refer the question to the people. The result of this reference showed, that there was a large number disposed to resist the re-establishment of the civil authority; and the commissioners, in reporting to the president, deemed it their duty to declare their opinion, that such was the state of things, so far as they were able to judge, "that there is no probability, that the act for raising a revenue on distilled spirits and on stills, can at present be enforced by the usual course of civil authority, and that some more competent force is necessary, to cause the laws to be duly ex-

ecuted, and to insure to the officers and well-disposed citizens, that protection, which it is the duty of government to afford."

On the receipt of this report, the president was under the painful necessity of putting the military force in motion; and his second proclamation, declaring this event, was issued on the 25th of September; announcing to the world, that this step was taken "in obedience to that high and irresistible duty consigned to him by the Constitution, to take care that the laws be faithfully executed;" deploring that the American name should be sullied by the outrages of citizens on their own government, and commiserating such as remained obstinate from delusion; at the same time, declaring his resolution, in perfect reliance on that gracious Providence, which had so signally displayed its goodness towards his country, to reduce the refractory to a due subordination to the law. 1794.

Notwithstanding several insidious attempts to the contrary, the militia from the different states put under requisition, assembled with alacrity to obey the call of the president. Washington, in person, visited each division of the army, the direction of which he committed to Hamilton, who fulfilled his task with ability and judgment. In October, the army, in two divisions, marched into the country of the insurgents. The disaffected did not venture upon any open opposition. A general submission followed. A few of the leaders were seized, and some of them detained for prosecution. Bradford made his escape into the Spanish dominions; two others of the principal insurgents, Philip Vigol and John Mitchell, were tried for treason, and found guilty, but were subsequently pardoned by the president. As a matter of prudent policy, General Morgan was left during the winter in the centre of the disturbed district.

Thus, as has been forcibly said, without shedding a drop of blood, did the prudent vigor of the executive terminate an insurrection, which at one time threatened to shake the government to its foundation.* That so perverse a spirit should have been excited in the bosom of prosperity, without the pressure of a single grievance, is among those political phenomena which occur, not unfrequently, in the course of human affairs, and which the statesman can never safely disregard. To the intemperate abuse which was cast on the measures of the government, and on all who supported them; to the violence with which the discontents of the opponents of those measures were expressed; and especially to the denunciations which were uttered against them by the democratic socie- 1794.

* "The crime of levying war against the state," as the eloquent Fisher Ames said, "is attended with particular aggravations and dangers in this country. Our government has no armed force; it subsists by the supposed approbation of the majority; the first murmurs of sedition excite doubts of that approbation; timid, credulous and ambitious men concur to magnify the dangers. In such a government the danger is real as soon as dreaded. No sooner is the standard of rebellion displayed, than men of desperate principles and fortunes resort to it; the pillars of government are shaken; the edifice totters from its centre; the foot of a child may overthrow it; the hands of giants cannot rebuild it."

ties; the friends of the administration ascribed that criminal attempt which had been made to oppose the will of the nation by force. Had these misguided men believed that the opposition was confined within their own narrow limits, they could not have been so mad or so weak as to engage in it.*

The views of Washington on this subject were freely given to his confidential friends. "The *real people*," he said, "occasionally assembled in order to express their sentiments on political subjects, ought never to be confounded with permanent self-appointed societies usurping the right to control the constituted authorities, and to dictate to public opinion. While the former is entitled to respect, the latter is incompatible with all government, and must either sink into general disesteem, or finally overturn the established order of things."

Congress had adjourned to meet on the 4th of November, but a quorum of the Senate was not present until the 19th. Washington addressed both Houses in a longer speech than usual, giving a particular view of the insurrection in Pennsylvania, and of the measures taken to suppress it. The promptitude with which his call for support from his fellow-citizens had been obeyed, demonstrated, he said, that they understood the true principles of government and liberty, and "that notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation." While he thus offered the meed of praise to the militia, he also said—"To every description of citizens let praise be given; but let them persevere in their affectionate vigilance over that precious depository of American happiness, the Constitution of the United States. Let them cherish it too, for the sake of those, who from every clime are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented by *combinations of men*, who, careless of consequences, and disregarding the unerring truth, that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies and accusations of the whole government."* 1794.

The defects of the militia system, as it then existed, having become apparent, the president urged upon Con-

* Mr. Tucker's remarks on the termination of this "Whiskey Rebellion," is as follows: "The ease with which the open resistance of the laws was quelled, afforded matter of triumph and congratulation to the friends of the administration, for the prudence and humanity of their course; and of censure on the part of the opposition, for the vain parade and unnecessary expense of a force so disproportionate to the occasion."—"*Life of Jefferson*," vol. i. p. 487.

* Jefferson berates this "denunciation" of the democratic societies as a most extraordinary act of boldness, and says, "It is wonderful indeed, that the president should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing, and publishing." Tucker states, that Jefferson indulged himself in very free censure, and even ridicule, of the president's speech.—"*Life of Jefferson*," vol. i., pp. 488, 89.

gress an entire revision of it. After mentioning the intelligence from the army under General Wayne, and the state of Indian affairs, he again called attention to the devising a plan for the redemption of the public debt. "The time," said he, "which has elapsed since the commencement of our fiscal measures, has developed our pecuniary resources, so as to open a way for a definitive plan for the redemption of the public debt. It is believed, that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents." Referring to subsequent communications, respecting the intercourse with foreign nations, he thought proper to state, "It may not, however, be unreasonable to announce, that my policy in our foreign transactions has been, to cultivate peace with all the world; to observe treaties with pure and inviolate faith; to check every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and, having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves." His speech was concluded in the following impressive terms: "Let us unite in imploring the Supreme Ruler of nations to spread his holy protection over these United States; to turn the machinations of the wicked to the confirming of our Constitution; to enable us at all times to root out internal sedition, and to put invasion to flight; to perpetuate to our country that prosperity which His goodness has already conferred; and to verify the anticipations of this government being a *safeguard to human rights*."

1794.

The House of Representatives had occupied the interval of leisure in improving its business arrangements, adding a standing committee on private claims to that already existing for elections. And having heard the speech, both Houses proceeded to frame answers to it. For above a week all the debates in the House were devoted to this subject; and both in it, and in the Senate, it was evident, that the republican party had less force than it had displayed in the preceding session. The chief point at issue was the censure of the societies which Washington had pointed out as undertaking to direct and control the government.

The answer of the Senate, reported by Mr. King, Mr. Ellsworth, and Mr. Izard, expressed an entire approbation of the policy of the president, with respect to foreign nations, as well as his conduct in relation to the insurgents. "Our anxiety," they said, "arising from the licentiousness and open resistance to the laws, in the western counties of Pennsylvania, had been increased by the proceedings of certain self-created societies, relative to the laws and administration of the government; proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our government, and which, by inspiring delusive hopes of support, have been instrumental in misleading our fellow-citizens in the scene of insurrection."

1794.

To the president's foreign policy no objection was made in the Senate; but the clause respecting democratic societies was warmly opposed. The answer, however, as reported by the committee, was agreed to without alteration.

In the House, Mr. Madison, Mr. Sedgwick and Mr. Scott, were the committee to report an answer to the speech of the president. It was silent, not only with respect to the self-created societies, but also as to the success of General Wayne, and the foreign policy of Washington. His interference with a favorite system of commercial restrictions was not forgotten, and the mission of John Jay still rankled in the memory of the republicans. No direct censure of the societies, or approbation of the foreign policy of the president, could be carried; and after an animated debate, the opposition party triumphed in the House.*

This triumph over the administration revived for a moment the drooping energies of these turbulent societies; but it was only for a moment. The agency ascribed to them by the opinion of the public as well as of the president, in producing an insurrection which was generally execrated, had essentially affected them; and while languishing under this wound, they received a deadly blow from a quarter whence hostility was least expected. The remnant of the French convention, rendered desperate by the ferocious despotism of the Jacobins, and of the sanguinary tyrant who had become their chief, had at length sought for safety by confronting danger; and, succeeding in a desperate attempt to bring Robespierre to the guillotine, had terminated his reign of terror. The colossal powers of the clubs fell with that of their favorite member, and they sunk into long-merited disgrace. Not more certain is it that the boldest streams must disappear, if the fountains that fed them be emptied, than was the dissolution of the democratic societies in America, when the Jacobin clubs were denounced in France. As if their destinies depended on the same thread, the political death of the former was the unerring signal for that of the latter.*

Congress, notwithstanding the coolness of the House in respect to the president's speech, entered actively upon the various matters submitted to them. Washington had repeatedly urged the adoption of measures which might effect the gradual redemption of the public debt, but, although that party which had been reproached with a desire to accumulate debt as a means of subverting the republican system, had exerted themselves to accomplish this object, their efforts had hitherto been opposed by obstacles they were unable to overcome. These obstacles consisted in the intrinsic difficulties of the subject. The duty on imported articles and on tonnage could not, immediately, be rendered sufficiently productive to meet the various exigencies of the treasury, and yield a

1794.

* For the debate in the House on the answer to the president's speech, see Benton's "*Abridgement of the Debates of Congress*," vol. i., pp. 532–41.

* See Marshall's "*Life of Washington*," vol. ii., p. 353.

surplus for the secure establishment of a fund to redeem the principal of the debt. Additional sources of revenue were to be explored; and as new taxes are the never-failing sources of discontent, it requires, in a government where popularity is power, no small amount of courage and devotion to the true interests of the country, to encounter the odium which new taxes, however necessary they may be, seldom fail to excite.

Hamilton, who was never charged with want of courageous adherence to his convictions of truth and duty on the subject of the finances of the country, while Congress were engaged in discussing a report made by a select committee on a resolution moved by Mr. Smith, of South Carolina, purporting that additional provision ought to be made for the reduction of the public debt, addressed a letter to the House, through their speaker, informing them that he had digested and prepared a plan on the basis of the actual revenues, for the further support of public credit, which he was ready to communicate. On the 21st of January, 1795, the com-

1795. prehensive and able plan of the secretary of the treasury, for the *support of public credit*, was submitted to Congress, and on the 2d of February, he submitted an additional one for the *improvement of the revenue.*

Hamilton proposed an increase of the sinking fund, by adding to the duties on imports and tonnage, on spirits distilled within the United States, and on the stills, the avails of the sales of the public lands, the dividends on bank stock belonging to the United States, and the interest of the money which should be redeemed, together with all moneys which should be received from debts due to the United States antecedent to the Constitution, and all surpluses of the amount of revenues, which should remain at the end of every calendar year beyond the amount of appropriations charged upon them, and which, during the session of Congress commencing next thereafter, should not be specially appropriated. This fund was to be applied to the payment of the six per cent. and deferred stock, according to the right reserved to the United States, that is, to the payment of eight per cent., on account of the principal and interest, and to continue until the whole should be paid and redeemed; and after such redemption, the same fund to continue appropriated until the residue of the debt of the United States, foreign and domestic, funded and unfunded, should be redeemed and discharged. The faith of the United States was to be firmly pledged to the creditors for the inviolable application of this fund to the payment of the debts, until the same should be fully completed; and for this purpose, the fund was to be vested in the commissioners of the sinking fund, as "property in trust."

The importance of this measure, for the purpose of preventing the evils arising from a great accumulation of debt, was pressed upon the attention of Congress, with all the earnestness and clearness of argument and illustration, for which the secretary of the treasury was distinguished. "There is no sentiment," he remarked, "which can better deserve the serious attention

of the legislature of a country, than the one expressed in the speech of the president; which indicates the danger to every government, from the progressive accumulation of debt. A tendency to it is perhaps *the natural dis-*

1795. *ease* of all governments; and it is not easy to conceive any thing more likely than this, to lead to great and convulsive revolutions of empires. On the one hand, the exigencies of a nation creating new causes of expenditure, as well from its own, as from the ambition, rapacity, injustice, intemperance, and folly of other nations, proceed in increasing and rapid succession. On the other, there is a general propensity in those who administer the affairs of government, founded in the constitution of man, to shift off the burden from the present to a future day; a propensity, which may be expected to be strong in proportion as the form of the state is popular."

The difficulties arising from this propensity in a republican government, as well as the inconsistency of those, who, to obtain popularity, will loudly declaim against the accumulation of debt, and in favor of its reduction, as abstract questions, and yet from the same motives, will as loudly declaim against the very means, which can alone prevent the one, and effect the other, are stated by Mr. Hamilton, with great perspicuity and truth. "To extinguish a debt," he observed, "which exists, and to avoid contracting more, are ideas almost always favored by public feeling and opinion, but to pay taxes for the one or the other purpose, which are the only means to avoid the evil, is always more or less unpopular. These contradictions are in human nature. And the lot of a country would be enviable, indeed, in which there were not always men, ready to turn them to the account of their own popularity, or to some other sinister account. Hence it is no uncommon spectacle, to see the same man clamoring for occasions of expense, when they happen to be in unison with the present humor of the community, well or ill directed; declaiming against a public debt, and for the reduction of it; yet vehement against every plan of taxation, which is proposed to discharge old debts or to avoid new, by defraying the expenses of exigencies as they emerge."

An act finally passed, on this important subject, during this session, substantially in accordance with the plan suggested by the secretary, though Congress were divided on the question of pledging the internal duties. The funds appropriated for the reimbursement and redemption of the debt, were by law vested in the commissioners of the sinking fund, in trust for that object, and the faith of the United States was pledged, that the funds should inviolably so remain appropriated and vested, until the whole debt should be paid. These funds were to be applied to the payment of eight 1795. per cent. per annum, on account of the principal and interest of the six per cent. and deferred stock,* and the sur-

* It may not be out of place to state, in this connection, that in pursuance of this compact with the public creditors, the six per cent. stock was fully paid in the year 1818, and the deferred stock in 1824.

plus to the payment of the other debts, foreign and domestic. The total amount of the unredeemed debt of the United States, (including the assumed debt,) in the year 1795, was $76,096,468 17cts.

The report of the select committee recommended additional objects for internal taxation, and that the temporary duties already imposed, should be rendered permanent. The opposition was so ardent, that the bill did not pass till late in February. At length, it was carried by the persevering exertions of the federal party. Beside the usual appropriations for interest on the debt, and public service, this session there was nearly $1,500,000 to be paid for the cost of the suppression of the "Whiskey Rebellion," which could only be met by a temporary loan; and altogether, the amount required, equalled the estimated total income, $6,500,000. It is worth noticing, that there were, during this session of Congress, fewer of those stormy debates, which had before so greatly obstructed the transaction of business, and stirred up such rancorous feeling through the country; and the principal result, the reorganization of the sinking fund, was of the highest possible importance to the nation.

Hamilton, who had purposed for some time past, retiring from office, partly in consequence of the mean and penurious provision afforded for the support of the government officers, resigned, on the last day of January, his post as secretary of the treasury. Oliver Wolcott was appointed his successor on the 2d of February. General Knox had retired a month before, and was succeeded by Colonel Pickering. During the time that Hamilton filled the office of secretary of the treasury, "the principles that divided the two parties were more inseparably connected with the financial, than with any other acts of the government. State sovereignty, or national sovereignty, was bound up in each successive measure. The assumption of a debt, the creation of a bank, the imposition of a tax, involved questions of infinite political moment; and it was only when these should be fully established, that the treasury could take its natural level in point of importance. The erection of a fiscal system in the face of so violent and powerful opposition, of such conflicting interests and inveterate prejudices, and of the obstacles which an imperfect knowledge of our resources and erroneous opinions on financial subjects offered, required a union of qualities rarely found. It had not been, therefore, merely as the head of a department, that Hamilton's talents were required or exercised. He had brought the whole of his vast mental resources and political influence, to bear upon every fundamental maxim of government. On every subject, he had been a counsellor, to whose opinion weight was attached, both by the president and the nation, and he had become, as it were, identified with the principles of the federal party."*

* Gibbs's "*Administrations of Washington and Adams*," vol. i., pp. 172, 73. For the tribute justly due to the talents, patriotism, and integrity of Hamilton, the reader may consult Marshall's "*Life of Washington*," vol. ii., pp. 356–58. *Per contra*, the

On the 3d of March, the session ended, and with it the third Congress closed its career. Although the republican party had obtained a small majority in one branch of the legislature, several circumstances had concurred to give great weight to the recommendations of the president. Among these, were the victory obtained by General Wayne, and the suppression of the western insurrection. In some points, however, which he had pressed with earnestness, his sentiments did not prevail. One of these was a plan for preserving peace with the Indians, by protecting them from the intrusions of the whites. He had scarcely permitted a Congress to pass without calling their attention to this subject. It had been mentioned in his speech at the commencement of this session, and had been further enforced by a message accompanying a report made upon it by the secretary of war. The plan suggested in this report was, to add to those arrangements respecting trade which were indispensable to the preservation of peace, a chain of garrisoned posts within the territory of the Indians, provided their assent could be obtained, and to subject all trespassers on their lands to martial law. A bill founded on this report passed the Senate, but was lost in the House.*

1795.

Immediately after the adjournment of Congress, Washington received news that the treaty of amity, commerce, and navigation, between the United States and Great Britain, had been signed on the 19th of the preceding November. A copy of this celebrated treaty reached the office of state on the 7th of March, and the president devoted himself immediately to an earnest consideration of its contents, and of his duty in regard to its ratification.

On a previous page (see p. 336,) we have spoken of the appointment of Mr. Jay to the special mission to England, and of the critical circumstances under which he entered upon his task. Leaving New York on the 12th of May, 1794, he arrived in London about the middle of June; and immediately put himself in communication with Lord Grenville, who was commissioned by the king to treat with the American envoy. His instructions were of a general nature, the only restrictions imposed upon him being, that no engagement should be entered into inconsistent with existing obligations towards France, and that a direct trade should be secured with the British West India Islands. Both Mr. Jay and Lord Grenville were sincerely desirous

1794.

preface to Jefferson's "*Anas*," may be consulted. He charges distinctly upon Hamilton the being "not only a monarchist, but for a monarchy bottomed on corruption." In proof of this, he relates an anecdote, with the strange and uncalled for asseveration, "for the truth of which, I attest the God who made me." Hamilton wanted, he says, a "hereditary king, with a house of lords and commons, corrupted to his will, and standing between him and the people." Jefferson's "*Works*," vol. ix., pp. 95–97. We quote these things as due to the truth of history, while at the same time we avow our conviction, that charges of this kind against Hamilton have no foundation, and were penned under the influence of inveterate political animosity.

* We may mention here, as of general interest, that the 19th of February was observed, agreeably to Washington's proclamation, as a day of thanksgiving throughout the United States.

of effecting such a treaty as would be acceptable to their respective countries; and as frankness and manly straightforwardness characterized their diplomatic intercourse, the negotiation proceeded as rapidly as was possible in view of the many and perplexing questions at issue. Referring for particulars connected with the negotiation, to the account contained in the biography of Mr. Jay,* we shall give the principal features of the treaty, as drawn from the work of Pitkin.

The preamble stated, that the two governments "being desirous, by a treaty of amity, commerce, and navigation, to terminate their differences in such a manner, as without reference to the merits of their respective complaints and pretensions, may be the best calculated to produce mutual satisfaction and good understanding," etc.

The western posts were to be surrendered to the United States, on or before the 1st of June, 1796; but no compensation was made for negroes carried away by the British, after the peace of 1783. The United States were to compensate British creditors for losses occasioned by legal impediments to the collection of debts, contracted before the Revolutionary War; to be settled and adjusted by commissioners; and Great Britain was to make compensation to American merchants, for illegal captures of their property, to be adjusted also in the same mode. In both cases, the commissioners were to consist of five persons, two to be appointed by each government, and the fifth by the unanimous voice of the four; but if they should not agree then the commissioners named by the two governments, to propose one, and of the two names thus proposed, one to be drawn by lot. Provision was also made for ascertaining more accurately the boundaries between the United States and the British North American possessions.

British subjects holding lands in the territories of the United States, and American citizens holding lands in the British dominions, were to continue to hold them, according to the nature and tenure of their respective estates and titles therein, with power to sell, grant, or devise the same; and by the tenth article, it was expressly provided, that neither the debts due from individuals of the one nation, to individuals of the other, nor shares or moneys in the public funds, or in the public or private banks, should, in any event of war or national differences, be sequestered or confiscated; "it being unjust and impolitic," as asserted in this article, "that debts and engagements contracted and made by individuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority, on account of national differences and discontents."

Both parties had liberty to trade with the Indians, in their respective ter-

* See "*Life of John Jay*," by his Son, vol. i., pp. 322–40. In a private letter to Washington, of the same date with the signature of the treaty, Mr. Jay gave it as his settled conviction, that to "do more was impossible. I ought not to conceal from you," he adds, "that the confidence reposed in your personal character, was visible and useful throughout the negotiation."

ritories in America, (with the exception of the country within the limits of the Hudson Bay Company,) and the River Mississippi to be also open to both nations.

The first ten articles, principally embracing these important subjects, were made permanent.

The other eighteen articles related to the future intercourse between the two countries, and in their duration were limited to twelve years, or two years after the termination of the war in which the British nation was then engaged. By the twelfth article, a direct trade was permitted between the United States and the British West India Islands, in American vessels not above the burden of seventy tons, and in goods or merchandize of the growth, manufacture, or produce of the states, and in the production of the islands; but the United States were restrained from carrying molasses, sugar, coffee, cocoa, or cotton, either from the islands, or from the United States, to any part of the world.

As cotton, to some extent, was, at that time, produced in the southern states, and had then begun to be exported, the twelfth article seems remarkable. Mr. Jay, however, it is stated, was ignorant that cotton, of the growth of the United States, had or would become an article of export.

A reciprocal and perfect liberty of commerce and navigation between the United States and the British dominions in Europe, was established, neither to be subject to higher duties than other nations, the British government reserving the right of countervailing the American foreign duties. And American vessels were freely admitted into the ports of the British territories in the East Indies, but not to carry on the coasting trade.

Timber for ship-building, tar, rosin, copper in sheets, sails, hemp, and cordage, and generally what might serve directly to the equipment of vessels, (unwrought iron and pine planks only excepted,) were included in the list of contraband. With respect to provisions and other articles, not generally contraband, on "account of the difficulty of agreeing on the precise cases in which they should be regarded as such," and for the purpose of providing against the inconveniences and misunderstandings which might thence arise, it was declared, that whenever such articles should become contraband, according to the existing law of nations, the same should not be confiscated, but the owners be completely indemnified by the captors, or the government.

Prizes made by ships of war and privateers of either party, might enter and depart from the ports of each other, without examination; and no shelter or refuge was allowed to such vessels as had made a prize upon the subjects or citizens of the parties. Nothing, however, in the treaty was to operate contrary to former and existing treaties with other nations.

Mr. Jay was unable to obtain a stipulation, that free ships should make free goods. Indeed after the declaration of the lords of the committee of trade and plantations on this subject, contained in their report which we have before mentioned, it was hardly to be

expected that Great Britain in time of war, would consent to any relaxation of the rigid rule of law, on this subject. Notwithstanding the opinion of the same committee, that their colonial ports were not to be opened to the Americans, and that this was not to be a subject even of negotiation, yet a direct trade was permitted between the United States and the British West India Islands, in vessels of a certain description. Unfortunately, the treaty left the important question with respect to provisions being contraband, as it found it, resting on the existing law of nations; yet, all things considered, Mr. Jay was entirely persuaded, that it was the best which was attainable, and which he believed it for the interest of the United States to accept.*

The Constitution requiring that all treaties should be ratified by the Senate, Washington summoned that body to meet on the 6th of June, and the treaty, with the documents connected with it, were submitted to their consideration. Washington himself was not quite satisfied with the treaty, and had hoped for something more favorable; nevertheless, as peace was all important to the United States, he determined, if the Senate agreed to the treaty, to affix to it his signature. For some two weeks the Senate had this important paper under consideration and discussion, the result of which was, that, with the exception of one article, (viz.; in relation to the West India trade) the president was advised to ratify the treaty, by a bare constitutional majority, twenty against ten.

1795.

Washington was in considerable doubt as to the course he ought to pursue, in view of this conditional ratification of the treaty by the Senate, and while he was hesitating as to a proper decision in regard to these novel points, intelligence arrived that the British government had renewed the provision order of June, 1793. This led him seriously to question whether he should ratify the treaty until satisfactory explanations were given as to this part of it. He directed a strong memorial to be prepared by the secretary of state, and reserved his decision on the various points involved, until his return from Mount Vernon, whither he was compelled to proceed, in July, on private business.

1795.

Meanwhile, one of the Virginia Senators, S. T. Mason, in violation of the obligation of secrecy, and the evident demands of propriety, sent a copy of the treaty to the "Aurora," a violent partisan paper in Philadelphia. On the 2d of July it was published, and spread before the community, without the authority of the executive, and without any of the official documents and correspondence necessary to a fair

* The original draft of the treaty prepared by Mr. Jay, and submitted to Lord Grenville, contained the following article: "It is agreed, that if it should unfortunately happen, that Great Britain and the United States should be at war, there shall be no privateers commissioned by them against each other." It is certainly matter of deep regret, that this article was not adopted, for the example of two great nations like England and the United States, would have done much towards putting an end to a species of warfare, urged on by lust of gain, and productive of extensive suffering. See "*Life of John Jay*," by his Son, vol. i., p. 329.

appreciation and understanding of its various provisions.

If, in the existing state of parties, and the embittered feelings which widely prevailed, the mission of John Jay was censured, and the result of his labors condemned in advance, before it was known at all what the treaty contained, the reader can imagine what an effect must have been produced by the publication of the treaty in this clandestine manner. Great Britain was hated and reviled, and France was almost adored, by a large and powerful party in the United States; and there were numbers ready, in their blind political fury and excitement, to sacrifice every thing rather than be on any terms of concord with the mother country, and rather than moderate in any degree their passionate devotion to France. "The entire democratic party," as Mr. Tucker states, "from one end of the Union to the other, exclaimed with one voice, that the treaty had tamely and basely surrendered the honor, rights, and interests of the United States at the feet of their most deadly enemy."*

1795.

Meetings of the people were held in Boston, New York, Philadelphia, Baltimore, Charleston, and other towns, in which the treaty was criticized in the most violent style, and inflammatory resolutions and appeals were issued, condemning the treaty in the most unqualified terms. "Torrents of vituperation were poured forth; Catos and other great names of ancient days again appeared upon earth, lamenting the degeneracy of their country, and showing by statistical calculations the amount of sacrifices and degradation it sustained; inflamed patriots addressed inflammable crowds in every section of the country; Boston and the other cities passed condemnatory resolutions, which were duly heaped upon the cabinet table. The opposition, however, did not stop at words. Many disgraceful scenes were enacted in the principal cities during the excitement of the question; mobs threatened violence to its supporters; Mr. Jay was burnt in effigy; the British minister was insulted. In New York, Mr. Hamilton was stoned at a public meeting, members of the opposite party, high in station and influence, standing by without interfering."

Again was the indomitable firmness of Washington brought into exercise for the saving of his country. He was not one to be driven from the post of duty by clamor or denunciation, and when once he had made up his mind, it was impossible to move him. The selectmen of the town of Boston, early in July, passed a number of resolutions against the treaty, and sent them to the president by express, urging him

* It was in the summer of 1795, that Hamilton wrote his powerful essays under the signature of "Camillus," in which he discussed with masterly ability, and defended most ably, the treaty of Mr. Jay. (See Hamilton's *Works*, vol. vii., p. 172, etc.) It was in regard to these able essays that Jefferson termed Hamilton "a colossus to the anti-republican party, and without numbers a host in himself." He calls upon Madison, in earnest terms, to answer the writings on the federal side: "For God's sake, take up your pen, and give a fundamental reply to Curtius and Camillus." Tucker's "*Life of Jefferson*," vol. i., p. 500.

to refuse his signature to the treaty. His answer, so like the man, and clearly defining the views which he entertained, and the principles by which he was governed, is worthy of being quoted in full:—

"TO THE SELECTMEN OF THE TOWN OF BOSTON.

UNITED STATES, 28*th July*, 1795.

"GENTLEMEN: In every act of my administration I have sought the happiness of my fellow-citizens. My system for the attainment of this object has uniformly been, to overlook all personal, local, and partial considerations; to contemplate the United States as one great whole; to consider that sudden impressions, when erroneous, would yield to candid reflection; and to consult only the substantial and permanent interests of our country. Nor have I departed from this line of conduct on the occasion which has produced the resolutions contained in your letter of the 13th instant.

1795.

"Without a predilection for my own judgment, I have weighed with attention every argument which has, at any time, been brought into view. But the Constitution is the guide which I never can abandon. It has assigned to the president the power of making treaties, with the advice and consent of the Senate. It was doubtless supposed that these two branches of government would combine without passion, and with the best means of information, those facts and principles upon which the success of our foreign relations will always depend; that they ought not to substitute for their own conviction the opinions of others, or to seek truth through any channel but that of a temperate and well informed investigation.

"Under this persuasion, I have resolved on the manner of executing the duty before me. To the high responsibility attached to it, I freely submit; and you, gentlemen, are at liberty to make these sentiments known, as the ground of my procedure. While I feel the most lively gratitude for the many instances of approbation from my country, I can no otherwise deserve it, than by obeying the dictates of my conscience.

"With due respect, I am, gentlemen, your obedient

"GEORGE WASHINGTON."

It would be a painful task to enlarge upon the unmeasured detraction and foul abuse which were heaped upon the president in consequence of the stand which he had taken.* Regardless of truth and decorum, he was assailed with

* The ratification of Jay's treaty, as J. Q. Adams forcibly says, "brought on the severest trial which the character of Washington, and the fortunes of our nation have ever passed through. No period of the war of independence, no other emergency of our history since its close, not even the ordeal of establishing the Constitution of the United States itself, has convulsed to its inmost fibres, the political association of the North American people with such excruciating agonies, as the consummation and fulfilment of this great national composition of the conflicting rights, interests, and pretensions of our country and of Great Britain. The party strife in which it originated, and to which it gave birth, is not yet appeased. From this trial, Washington himself, his fame, the peace, union, and prosperity of his country, have issued triumphant and secure. But it prepared the way for the reversal of some of the principles of his administration, and for the introduction of another and widely different system six years after, in the person of Thomas Jefferson."—'*Jubilee of the Constitution*," p. 97.

a malignity and fierceness of invective, which it would seem that the most abandoned and corrupt politician and demagogue could hardly deserve. But, so far as he himself was concerned, he pitied and despised all such attempts to force him to yield to popular clamors and demands. From the excitement, however, which prevailed, he was not without serious apprehensions of the effect which might be produced by it upon the relations of the United States with France. This led him to a speedy and fixed decision on the subject of ratifying the treaty. He returned to Philadelphia on the 11th of August; consulted the cabinet at once; and all the members advising it, except the secretary of state, Washington signed the treaty. Its ratification was accompanied with a strong memorial against the provision order, which, we may here mention, was, in due time, repealed, and the ratification of the treaty was reciprocated by the British government.

1795.

As respects this famous treaty, Mr. Sparks justly remarks; "Time disappointed its enemies, and more than fulfilled the expectations of its friends. It saved the country from a war, improved its commerce, and served in no small degree to lay the foundation of its durable prosperity. The great points which were said to be sacrificed or neglected, the impressment of seamen, neutral rights, and colonial trade, have never yet been settled, and are never likely to be settled satisfactorily, while England maintains the ascendency she now holds on the ocean." Mr. Jefferson, on the other hand, who may properly be regarded as speaking for the opponents of the treaty and the government which ratified it, denounced it as "an execrable thing." "I trust," he said, in a letter to Governor Rutledge of South Carolina, "the popular branch of our legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between England and the Anglomen of this country against the legislature and people."*

The day after the signature of the treaty, Mr. Randolph resigned the post of secretary of state, under circumstances of rather a suspicious character. Into the particulars we have not space to enter, and how far Randolph was guilty of intrigue with M. Fauchet, the French minister, and of violation of duty, it is not easy to say. His Vindication was published at the close of the year, and does not appear to have been very successful in removing the suspicions of bad faith which attached to his private interviews and conversations with Fauchet.† Washington offered the vacant post to Patrick Henry, who was prevented by private considerations from undertaking its duties. Mr. King, General Pinckney, and two or three others, were asked to enter the cabinet as secretary of state; but they declined. Finally, Colonel Pickering, who had temporary charge of the post, was formally ap-

1795.

* "*Life of Jefferson*," vol. i., p. 501.

† See Sparks's "*Life of Washington*," pp. 468, 69. For a more detailed account of the whole matter, (which is written with perhaps undue severity,) see Gibbs's "*Administrations of Washington and Adams*," vol. i., pp. 232–80.

pointed in December of the present year. Mr. Bradford's death, in August, caused a vacancy in the attorney-generalship, which was also filled in December, by the appointment of Charles Lee of Virginia.*

In August of this year, General Wayne concluded a treaty of peace, at Greenville, with the chiefs of the Wyandots, Delawares, Chippewas, and other Indian tribes. By this treaty the Indians ceded the post of Detroit, and a considerable tract of adjacent land, to the United States. A tract of land was ceded on the main, to the north of the island on which the post of Michilimackinac stands, to measure six miles on Lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait. De Bois Blanc, or White Wood Island, was also ceded; the voluntary gift of the Chippewas. Goods to the amount of $20,000, were now distributed among the Indians; and they were to receive $8,000 annually. 1795.

The foreign affairs of the United States had now begun to assume a more favorable aspect. A treaty was concluded with Spain on the 27th of October. It was confined principally to the two great subjects in dispute, and was styled a treaty of friendship, limits, and navigation. By this, the line between the United States and East and West Florida was the same as that settled by the treaty of peace with Great Britain, and the troops and garrisons of either party were to be withdrawn within six months after the ratification of the treaty. The line was to be ascertained by a commissioner and surveyor, to be appointed by each of the contracting parties, and who, for that purpose, were to meet at Natchez, within six months from the time of ratification. 1795.

The western boundary of the United States, which separated them from the colony of Louisiana, was fixed in the middle of the channel of the River Mississippi, to the thirty-first degree of north latitude; and it was also agreed, that the navigation of that river, from its source to the Ocean, should be free only to the subjects and citizens of the two countries. To enable the citizens of the United States to enjoy the benefits of this navigation below the thirty-first degree of latitude, liberty was granted them for the term of three years, to deposit their merchandise and effects in the port of New Orleans, and to export the same without paying any other duty than a fair price for storage; and at the end of three years, the king was, at his option, either to continue this permission, or to assign an equivalent establishment on some other part of the banks of the Mississippi.

It was stipulated among other things, that both parties should use all the means in their power, to maintain peace and harmony among the Indian

* The vile attempt made to slander the president's good name, and to fix upon him a charge of having defrauded the treasury, is detailed in Marshall's "*Life of Washington*," vol. ii., pp. 370, 71. The very extravagance of this attempt caused it to react upon its inventors, and the public viewed with just indignation, this effort to defame a character which was the nation's pride. Americans felt themselves involved in this atrocious calumny on their most illustrious citizen; and its propagators were frowned into silence.

nations on their borders; and both parties bound themselves to restrain, even by force, the Indians within their limits, from acts of hostilities against the other; and it was also agreed, that neither party would thereafter make any treaties with those who did not live within their respective limits. Provision was also made, that free ships should make free goods, and that no citizen or subject of either party, should take a commission or letters of marque for arming any vessel, to act as a privateer, from their respective enemies, under the penalty of being considered and punished as a *pirate.*

Thus, after a tedious and unpleasant negotiation of about fifteen years, the boundaries between the countries belonging to the United States and Spain, in America, were settled; and the right of navigating every part of the Mississippi, a right so essential to the interests of our vast western territory, was secured to the United States.

The president was able, also, in November, to bring to a close the long negotiations with the dey of Algiers; by which peace was established with those piratical marauders, and the release of American captives obtained. This was effected through the agency of Colonel Humphreys, Mr. Barlow, and Mr. Donaldson; and about a hundred and twenty prisoners were released from cruel bondage, some of whom had been in this ignominious condition more than ten years. Pitkin (vol. ii., pp. 438, 39) gives some details of the various efforts made between 1785 and 1795 to conclude treaties with the several powers in the Mediterranean, who subsisted by preying upon the defenceless commerce of Christian nations. Congress appropriated about $1,000,000, to be applied under the direction of the president, to procure the release of the suffering captives in Algiers. The money was borrowed of the Bank of the United States, and was to be furnished in London, principally by the sale of public stock. Colonel Humphreys was empowered to conclude a treaty of peace with the dey of Algiers, and for this purpose he left the United States in April, 1795. He was accompanied by Joseph Donaldson, consul for Tunis and Tripoli; who was to be employed to negotiate the treaty, while Colonel Humphreys himself went to France, to obtain the aid of the French government.

1795.

In the mean time, Mr. Donaldson proceeded to Algiers, and on the 5th of September concluded a treaty with the dey. He engaged that the money for the ransom should be paid in three or four months, presuming it would be ready in London before that time. Joel Barlow was employed by Colonel Humphreys to go from France, to assist in the negotiation, but the treaty was concluded before his arrival at Algiers.

The failure in the payment of the money by the time stipulated, greatly incensed the dey, and he threatened to abandon the treaty; and it was with great difficulty that Mr. Barlow and Mr. Donaldson procured a delay until the 8th of April, 1796, and the dey then declared, that unless the money was paid within thirty days, he never would be at peace with America. In

this situation the American captives were thrown into a state of despair; and the agents were only able to save the treaty and procure their release by a promise to present him a frigate of thirty-six guns. By this they obtained a delay of three months, and in the mean time the money negotiations were arranged, and the poor captives finally released. This was not done, however, but at the expense and sacrifice of about $1,000,000.*

On the 7th of December, the fourth Congress commenced its first session. In his opening speech, Washington ex- 1795. pressed his conviction that he had never met the national legislature when the public affairs of the United States afforded more just cause of mutual congratulation, or called for more "profound gratitude to the Author of all good, for the numerous and extraordinary blessings they enjoyed." The Indian war was satisfactorily terminated. Treaties had been concluded, or were being negotiated, with Morocco, Algiers, and Spain. And with Great Britain, "a treaty of amity, commerce, and navigation had been negotiated;" of which "the Senate had advised and consented to the ratification, upon a condition which excepted part of one article;" but the responsive decision of the British government was not yet known. "This interesting summary of our affairs," continued Washington, with just and grateful pride, "opens a wide field for consoling and gratifying reflections. If by prudence and moderation on every side, the extinguishment of all the causes of external discord, which have heretofore menaced our tranquillity, on terms compatible with our national rights and honor, shall be the happy result, how firm and how precious a foundation will have been laid for accelerating, maturing, and establishing the prosperity of our country!" The "internal situation" of the states afforded, he said, "equal cause for contentment and satisfaction." The general tranquillity of the land, contrasted with the "exhausting and calamitous" contests in which the nations of Europe seemed to be involved; the prosperous condition of agriculture, commerce, and manufactures; the rapid increase of the population; the progress of improvement; the "mild and wholesome laws;" and "governments founded on the genuine principles of rational liberty;"—all combined, offered "a spectacle of national happiness, never surpassed, if ever before equalled." 1795.

Washington particularly pressed upon the attention of the legislators, the necessity for a review of the military establishment, some better regulation of the militia, and the protection of the aborigines "from the violence of the lawless part of our frontier inhabitants." The Representatives were reminded that much might yet be done respecting the debt. The mint, the navy, the fortifications of the harbors, arsenals, magazines, etc, were further

* It is worth noting, as Mr. Cooper remarks, that this peace obtained from the dey of Algiers cost the government $1,000,000, "a sum quite sufficient to have kept the barbarian's port hermetically blockaded until he should have humbly sued for permission to send a craft to sea."—"*Naval History*," vol. i., p. 151.

enumerated, as requiring notice, and he concluded with these words of wise counsel:—"Temperate discussion of the important subjects which may arise in the course of the session, and mutual forbearance when there is difference of opinion, are too obvious and necessary for the peace, happiness, and welfare of our country, to need any recommendation of mine."

In the Senate, where the federalists had gained by the last elections, a very cordial answer was returned to the president's speech. But in the House, where the republicans had increased in strength, the answer to the speech demonstrated, that the measures of Washington would be subjected to severe animadversion.

Early in January, 1796, the president transmitted a message to both Houses of Congress, accompanying certain communications from the French government which were well calculated to cherish those ardent feelings that prevailed in the republican party.

1796.

It was the fortune of Mr. Monroe (see p. 339) to reach Paris early in August, 1794, soon after the death of Robespierre. On his reception, which was in the Convention, he delivered to the president of that body, with his credentials, two letters addressed by the secretary of state to the committee of public safety.

So fervent were the sentiments expressed on this occasion, that the convention decreed that the flags of the two republics should be united, and suspended in its own hall. To evince the impression made by this act, Mr. Monroe presented to the convention the flag of the United States, which he prayed that body to accept as a proof of the sensibility with which his country received every mark of friendship from its ally.

In October, 1794, the committee of safety again addressed a letter to Congress, in a style of high-flown compliment, and full of ardent protestations of eternal friendship and union. M. Adet, who had been appointed to succeed Fauchet, was the bearer of this letter, and was "specially instructed to tighten the bands of fraternity and mutual benevolence," between the two countries. He did not arrive in the United States until June, 1795, and was directed to present to the government, the flag of the republic. This was not done, however, until the 1st of January, 1796, when it was, in a formal manner, presented to the president, together with the letter of the committee of public safety addressed to Congress. In presenting the flag, M. Adet, in his address delivered on the occasion, after stating that France only saw in the Americans "friends and brothers," proceeded to say: "Long accustomed to regard the American people as her most faithful allies, she has sought to draw closer the ties already formed in the fields of America, under the auspices of victory, over the ruins of tyranny. The National Convention, the organ of the will of the French nation, have more than once expressed their sentiments to the American people; but above all, these burst forth on that august day, when the minister of the United States presented

to the national representation the colors of his country. Desiring never to lose recollections as dear to Frenchmen as they must be to Americans, the Convention ordered that these colors should be placed in the hall of their sittings. They had experienced sensations too agreeable not to cause them to be partaken of by their allies, and decreed that to them the national colors should be presented."

To answer a speech of this kind was no easy task. It was necessary to express feelings adapted to the occasion, without implying sentiments respecting the belligerent powers, which the chief magistrate of a neutral country could not properly avow. The president, in his admirable reply, kept both these objects in view.

"Born, sir, in a land of liberty," were his opening words; "having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my own country; my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly attracted, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom." Having expressed his earnest desire that the French republic might render its liberties secure and stable by the supremacy of law and order, he concluded in the following terms: "I receive, sir, with lively sensibility, the symbol of the triumphs and of the enfranchisement of your nation, the colors of France, which you have now presented to the United States. The transaction will be announced to Congress, and the colors will be deposited with the archives of the United States, which are at once the evidence and the memorials of their freedom and independence. May these be perpetual! and may the friendship of the two republics be commensurate with their existence!"

1796.

The address of M. Adet, the answer of the president, the colors of France, and the letter from the committee of safety, were transmitted to Congress on the 4th of January.

In the House, a resolution was passed unanimously, requesting the president to make known to the representatives of the French republic, the sincere and lively sensations which were excited by this honorable testimony of the existing sympathy and affection of the two republics. In the Senate, a resolution passed, expressing these sentiments to the president, unaccompanied with a request to communicate them to the government of France.

Adet was not a little offended because the French colors had not been placed in a conspicuous position in the House; and he had the presumption to address a note to the president informing him that he could not remain silent on a circumstance which must make all France discontented. That as the American flag was placed in the hall of the legislative body of France, the French flag should receive the same honor. The secretary of state wrote him, in reply, that the president was the constitutional organ of communication with foreign nations, and for this purpose was the sole repre-

1796.

sentative of the American people; that he had deposited the French flag with the evidences and memorials of the freedom and independence of his own country; and that the people of the United States did not exhibit in their deliberative assemblies, "any public spectacles or tokens of their victories, the symbols of their triumphs, or the monuments of their freedom."

In February, the treaty with Great Britain was returned, ratified by his Britannic majesty. In accordance with his constitutional prerogative, the president issued a proclamation, requiring the exact observance of the provisions of the treaty by all persons; a copy of which was transmitted to each House on the 1st of March.

The opposition in the House, looking with disapprobation upon this conduct of the president, were ready to venture upon an attack upon the government and the treaty which had now assumed the obligation of law. On the 7th of March, Mr. Livingston, of New York, moved a resolution,* requesting the president "to lay before the House, a copy of the instructions to the minister of the United States who negotiated the treaty with the king of Great Britain, communicated by his message

1796. of the 1st of March, together with the correspondence, and other documents relative to the said treaty." This immediately brought up the question as to where the treaty-making power was constitutionally lodged, and what was the duty of the House under the existing circumstances.

It was a question not without its difficulties, and by no means so easy of settlement as might at first sight appear. The ablest men in the House engaged in the discussion, and for three weeks, Madison, Gallatin, Giles, and others, on the one hand, and Smith of South Carolina, Hillhouse, Harper, and such like on the other, exerted their utmost efforts to secure, or to prevent, the passage of Mr. Livingston's resolution, and to establish the true connection of the House with the power of making treaties.

The opposition contended, that this power, if applicable to every object, conflicted with powers which were vested exclusively in Congress. That it must be so limited as not to touch these objects, or the assent and co-operation of the House of Representatives must be required to the validity of any compact, so far as it might comprehend them. A treaty, therefore, so far as it required an act of Congress to carry it into effect, had no obligatory force until the House of Representatives had acted on it. They were at liberty to withhold such law without incurring the imputation of violating any existing obligation, or of breaking the faith of the nation.

The friends of the administration maintained, on the other hand, that the Constitution clearly declared, that the president, by and with the advice and consent of the Senate, had the power to make treaties, and that a

* For full and exact information on this subject, in its various ramifications, the student must consult the printed "Debates on the British Treaty." Senator Benton has presented a fair abstract in his "*Abridgement of the Debates of Congress*," vol. i., pp. 639–754.

treaty was complete and perfected when it had been so made. Its obligation then became absolute on the United States, and to refuse to comply with its stipulations was to break the treaty, and to violate the pledged faith of the nation.

After an animated and keenly contested debate, the resolution was adopted, by a vote of sixty-two to thirty-seven.

When the resolution was presented to the president, he replied, "that he would take time to consider it." 1796. His situation was peculiarly delicate; the passions of the people were strongly excited against the treaty; the popularity of the demand, which professed to be solely for information; the large majority by which the vote was carried; the suspicions which would probably attach, in case of refusal, that circumstances had occurred in the course of the negotiation which the president was afraid to publish, added to other weighty considerations, might well have inclined him to yield to the demand of the House. But DUTY, in Washington's view, was paramount to all other things. He had sworn to "preserve, protect, and defend the Constitution;" and as, in his deliberate conviction, the treaty-making power resided exclusively in the president, by and with the advice and consent of the Senate, he addressed, on the 30th of March, a message to the House, in which he temperately but positively refused to accede to their call for executive papers.

As might have been expected, the opposition party received this answer of the president with very ill grace, and whatever personal considerations may have hitherto had effect upon some of the leaders of the republican party, in respect to the president, they seemed now ready to cast them to the winds, and to give full rein to the ardent desires which they entertained to break down the federal administration.* Washington's message was referred to a committee of the whole House; it was freely and sharply criticized; and on the 7th of April resolutions were adopted, by a vote of 1796. fifty-seven to thirty-five, declaring the sense of the House on this matter, and claiming a right to deliberate on the expediency of carrying into execution stipulations made by treaty on subjects confided by the Constitution to Congress.

In the course of the month of March, the treaties with the king of Spain and with the dey of Algiers, were ratified by the president, and were laid before Congress. On the 13th of April,

* Mr. Gibbs (vol. i., pp. 328, 29) indulges in some very severe remarks upon Madison's position and conduct, which the reader will do well to contrast with the high terms of laudation which John Quincy Adams uses, in his Life of the fourth President of the United States. Mr. Gibbs says, that the federal contemporaries of Madison "saw in him one doubly guilty, because sinning against the light that was in him; twice culpable, because untrue to his real convictions. They saw in him the renegade to his party and his faith, the man who, having grown to mature age, and gained his first laurels in their ranks, abandoned his principles, and surrendered his independence to the will of another, and united his talents and his influence to break down the system he had aided in establishing. . . . . His course in regard to the British treaty set the seal upon his apostasy; and lost him the remaining confidence of Washington, and the friendship of those who had hoped for better things. Thenceforward the anti-federalists had no more ardent or more unscrupulous champion."

Mr. Sedgwick moved, "that provision ought to be made by law for carrying into effect with good faith, the treaties lately concluded with the dey and regency of Algiers, the king of Great Britain, the king of Spain, and certain Indian tribes north-west of the Ohio." After much altercation on the subject of thus joining all these treaties together, a division was made, and the question taken on each. The resolution was amended by a majority of eighteen, so as to read, "that it is *expedient* to pass the laws necessary for carrying into effect," etc.

The subject of the British treaty was taken up on the 15th of April. Its friends urged an immediate decision of the question, alleging that every member had made up his mind already, and that dispatch was necessary, in case the treaty was to be carried into effect. The posts were to be delivered up on the 1st of June, and this required previous arrangements on the part of the American government. They appear to have entertained the opinion, that the majority would not dare to encounter the immense responsibility of breaking the treaty, without previously ascertaining that the great body of the people were willing to meet the consequences of the measure. But its opponents, though confident of their power to reject the resolution, called for its discussion.

The minority soon desisted from urging an immediate decision of the question; and the spacious field which was opened by the propositions before the House, was entered into with equal avidity and zeal by both parties. Gallatin, Madison, Giles, Nicholas, Preston, and other eminent members of the republican party, in animated terms opposed the execution of the treaty, and entered fully into the discussion of its merits and demerits. Fisher Ames, Dwight, Foster, Harper, Lyman, Dayton, and other men of note among the federalists, urged every possible argument in its favor. "The debate," as has been well said, "necessarily took the widest range. Europe—the belligerents—the character of the war—our condition—inevitable consequences—discussion amongst the branches of government—popular enthusiasm—interest—duty—honor—inflamed party spirit—war—means wholly inadequate—confusion and anarchy—all figure in this memorable debate, and with the full glow of party excitement, which seemed to have been gathering from the first institution of the government, to storm forth on this occasion."

The objections of those opposed to carrying the treaty into effect were, generally, that it wanted reciprocity; that it gave up all claim of compensation for negroes carried away contrary to the treaty of peace, and for the detention of the western posts; that it contravened the French treaty, and sacrificed the interest of an ally to that of Great Britain; that it gave up, in several important instances, the law of nations, particularly in relation to free ships making free goods, cases of blockade, and contraband of war; that it improperly interfered with the legislative powers of Congress, especially by prohibiting the sequestration of debts; and that the commercial part gave few if any advantages to the United States.

On the other hand, it was urged, that the treaty had been constitutionally made and promulgated; that a regard to public faith, and the best interests of the country, under all circumstances, required it should be carried into effect, although not, in all respects, perfectly satisfactory; that it settled disputes between the two governments, of a long standing, of a very interesting nature, and which it was particularly important for the United States to bring to a close; that provision also was made for a settlement of those of more recent date, not less affecting the sensibility as well as honor of the country, and in which the commercial part of the community had a deep interest; that in no case had the law of nations been given up; that the question as to provisions being contraband, although not settled, was left as before the treaty; and that the conventional rights of France were saved by an express clause. As to the sequestration of private debts, it was said, this was contrary to every principle of morality and good faith, and ought never to take place; that the commercial part would, probably, be mutually beneficial, was a matter of experiment, and was to continue only two years after the close of the war in Europe; that, in fine, on the part of the United States, the only choice left was, treaty or war.

A bare abstract, like the above, can give no adequate idea of the force and eloquence of the speeches delivered on this great occasion. Madison and Gallatin, on the one side, sustained their well-earned reputation as able debaters and advocates of the republican views; but there was no speech of such surpassing power and eloquence as that of Fisher Ames, which was delivered on the 28th of April, just at the close of the debate. Its effect was wonderful, and the House adjourned before taking the question, fearful of the consequences of the great orator's impassioned appeals. We give, in the Appendix to the present chapter, some extracts from this famous speech.

The delay occasioned by these debates was, no doubt, favorable to the final settlement of the question. It gave time for reflection among those opposed, and also afforded an opportunity for others, who had hitherto been silent, willing to leave the decision with the constituted authorities, to express their sentiments. The great mass of the people began seriously to reflect on the consequences of rejecting the treaty; nor could they be induced to believe, that the president, who had once saved his country from the tyranny of Great Britain, had now sacrificed its best interests to the same power. During the discussion, therefore, numerous petitions were presented to the House from different parts of the Union, praying that the treaty might be carried into effect. This changed a few of the votes, if it did not effect a change in the opinions of some of the members. 1796.

On the 29th of April, the question was taken in committee of the whole, and was determined, by the casting vote of the chairman, in favor of passing the necessary laws. The resolution was finally carried in the House by a vote of fifty-one to forty-eight.

Beside the acts which arose out of the treaties, Congress passed others, regulating the dealings of the inhabitants of the western frontier with the Indians; authorizing the survey of certain public lands with a view to the sale of them; ordaining measures for the protection and relief of American seamen; and equalizing the pay of members of both Houses of Congress. There were some $6,000,000, which was not quite the full amount of the income, appropriated to the public service, and the interest of the debt. But there were so many other demands upon the treasury, that, after vainly endeavoring to obtain another loan, part of the bank stock was sold, a procedure which was reprobated by Hamilton as a violation of system. The opposition party would not agree to raise further revenue by indirect internal taxation, and only that augmenting the duty on pleasure carriages was passed into a law. Equally strenuous was their opposition to a naval force. Even under the pressure of the Algerine piracies, the bill providing a decent naval force in the Mediterranean, could not be carried through the House without inserting a section which should suspend all proceedings under the act, in case the contest with Algiers was brought to end. That event having occurred, not a single frigate could be completed without further authority from the legislature. Although no peace had been concluded with Tunis or Tripoli, it was with the utmost difficulty that a bill for the completion of three, instead of six frigates, could be carried. On the 1st of June, this long and important session of Congress was brought to its close.

APPENDIX TO CHAPTER VIII.

FISHER AMES'S SPEECH ON THE BRITISH TREATY.

Mr. Chairman:—I entertain the hope, perhaps a rash one, that my strength will hold me out to speak a few minutes. . . . . If the House will not concur in the measure to execute the treaty, what other course shall we take? How many ways of proceeding lie open before us?

In the nature of things there are but three; we are either to make the treaty, to observe it, or break it. It would be absurd to say we will do neither. If I may repeat a phrase already so much abused, we are under coercion to do one of them, and we have no power, by the exercise of our discretion, to prevent the consequences of a choice.

By refusing to act, we choose. The treaty will be broken and fall to the ground. Where is the fitness, then, of replying to those who urge upon the House the topics of duty and policy, that they attempt to force the treaty down, and to compel this assembly to renounce its discretion and to degrade itself to the rank of a blind and passive instrument in the hands of the treaty-making power? In case we reject the appropriation, we do not secure any greater liberty of action, we gain no safer shelter than before from the consequences of the decision. Indeed they are not to

be evaded. It is neither just nor manly to complain that the treaty-making power has produced this coercion to act. It is not the art or the despotism of that power, it is the nature of things that compels. Shall we, dreading to become the blind instruments of power, yield ourselves the blinder dupes of mere sounds of imposture? Yet that word, that empty word, coercion, has given scope to an eloquence, that, one would imagine, could not be tired, and did not choose to be quieted.

Let us examine still more in detail the alternatives that are before us, and we shall scarcely fail to see, in still stronger lights, the futility of our apprehensions for the power and liberty of the House.

If, as some have suggested, the thing called a treaty, is incomplete, if it has no binding force or obligation, the first question is, will this House complete the instrument, and, by concurring, impart to it that force which it wants.

The doctrine has been avowed, that the treaty, though formally ratified by the executive power of both nations, though published as a law for our own by the president's proclamation, is still a mere proposition submitted to this assembly, no way distinguishable in point of authority or obligation, from a motion for leave to bring in a bill, or any other original act of ordinary legislation. This doctrine, so novel in our country, yet so dear to many, precisely for the reason, that in the contention for power, victory is always dear, is obviously repugnant to the very terms as well as the fair interpretation of our own resolutions—(Mr. Blount's.) We declare that the treaty-making power is exclusively vested in the president and Senate, and not in this House. Need I say, that we fly in the face of that resolution, when we pretend, that the acts of that power are not valid until we have concurred in them? It would be nonsense, or worse, to use the language of the most glaring contradiction, and to claim a share in a power, which we at the same time disclaim as exclusively vested in other departments.

What can be more strange than to say, that the compacts of the president and Senate with foreign nations are treaties, without our agency, and yet those compacts want all power and obligation, until they are sanctioned by our concurrence? It is not my design in this place, if at all, to go into the discussion of this part of the subject. I will, at least for the present, take it for granted, that this monstrous opinion stands in little need of remark, and if it does, lies almost out of the reach of refutation.

But, say those who hide the absurdity under the cover of ambiguous phrases, have we no discretion? and if we have, are we not to make use of it in judging of the expediency or inexpediency of the treaty? Our resolution claims that privilege, and we cannot surrender it without equal inconsistency and breach of duty.

If there be any inconsistency in the case, it lies, not in making the appropriations for the treaty, but in the resolution itself—(Mr. Blount's.) Let us examine it more nearly. A treaty is a bargain between nations, binding in good faith; and what makes a bargain? The assent of the contracting parties. We allow that the treaty power is not in this House; this House has no share in contracting, and is not a party: of consequence, the president and Senate alone, may make a treaty that is binding in good faith. We claim, however, say the gentlemen, a right to judge of the expediency of treaties; that is the constitutional province of our discretion. Be it so. What follows? Treaties, when adjudged by us to be inexpedient, fall to the ground, and the public faith is not hurt. This, incredible and extravagant as it may seem, is asserted. The amount of it, in plainer language, is this—the president and Senate are to make national bargains, and this House has nothing to do in making them. But bad bargains do not bind this House, and, of inevitable consequence, do not bind the nation. When a national bargain, called a treaty, is made, its binding force does not depend upon the making, but upon our opinion that it is good. As our opinion on the matter can be known and declared only by ourselves, when sitting in our legislative capacity, the treaty, though ratified, and, as we choose to term it, made, is hung up in suspense till our sense is ascertained. We condemn the bargain, and it falls, though, as we say, our faith does not. We approve a bargain as expedient, and it stands firm, and binds the nation. Yet, even in this latter case, its force is plainly not derived from the ratification by the treaty-making power, but from our approbation. Who will trace these inferences, and pretend that we have no share, accord-

ing to the argument, in the treaty-making power? These opinions, nevertheless, have been advocated with infinite zeal and perseverance. Is it possible that any man can be hardy enough to avow them, and their ridiculous consequences?

Let me hasten to suppose the treaty is considered as already made, and then the alternative is fairly presented to the mind, whether we will observe the treaty or break it. This, in fact, is the naked question.

If we choose to observe it with good faith, our course is obvious. Whatever is stipulated to be done by the nation, must be complied with. Our agency, if it should be requisite, cannot be properly refused. And I do not see why it is not as obligatory a rule of conduct for the legislative as for the courts of law.

I cannot lose this opportunity to remark, that the coercion, so much dreaded and declaimed against, appears at length to be no more than the authority of principles, the despotism of duty. Gentlemen complain we are forced to act in this way, we are forced to swallow the treaty. It is very true, unless we claim the liberty of abuse, the right to act as we ought not. There is but one right way open for us, the laws of morality and good faith have fenced up every other. What sort of liberty is that, which we presume to exercise against the authority of those laws? It is for tyrants to complain that principles are restraints, and that they have no liberty so long as their despotism has limits. These principles will be unfolded by examining the remaining question:

SHALL WE BREAK THE TREATY?

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places; it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-preservation is the first law of society, as well as of individuals. It would, perhaps, be deemed an abuse of terms to call that a treaty which violates such a principle. I waive, also, for the present, any inquiry, what departments shall represent the nation, and annul the stipulations of a treaty. I content myself with pursuing the inquiry, whether the nature of this compact be such as to justify our refusal to carry it into effect. A treaty is the promise of a nation. Now, promises do not always bind him that makes them.

But I lay down two rules, which ought to guide us in this case. The treaty must appear to be bad, not merely in the petty details, but in its character, principle and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public. I confess there seems to me something very like ridicule thrown over the debate by the discussion of the articles in detail.

The undecided point is, shall we break our faith? And, while our country and enlightened Europe await the issue with more than curiosity, we are employed to gather piecemeal, and article by article, from the instrument, a justification for the deed by trivial calculations of commercial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof; it brings it. Extremes speak for themselves and make their own law. What if the direct voyage of American ships to Jamaica with horses or lumber, might net one or two *per centum* more than the present trade to Surinam; would the proof of the fact avail any thing in so grave a question as the violation of the public engagements?

It is in vain to allege, that our faith, plighted to France, is violated by this new treaty. Our prior treaties are expressly saved from the operation of the British treaty. And what do those mean who say, that our honor was forfeited by treating at all, and especially by such a treaty? Justice, the laws and practice of nations, a just regard for peace as a duty to mankind, and the known wish of our citizens, as well as that self-respect which required it of the nation to act with dignity and moderation, all these forbade an appeal to arms, before we had tried the effect of negotiation. The honor of the United States was saved, not forfeited, by treating. The treaty itself, by its stipulations for the posts, for indem-

nity, and for a due observation of our neutral rights, has justly raised the character of the nation. Never did the name of America appear in Europe with more lustre than upon the event of ratifying this instrument. The fact is of a nature to overcome all contradiction.

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I shall be asked, why a treaty so good in some articles, and so harmless in others, has met with such unrelenting opposition; and how the clamors against it from New Hampshire to Georgia, can be accounted for? The apprehensions so extensively diffused, on its first publication, will be vouched as proof, that the treaty is bad, and that the people hold it in abhorrence.

I am not embarrassed to find the answer to this insinuation. Certainly a foresight of its pernicious operation, could not have created all the fears that were felt or affected. The alarm spread faster than the publication of the treaty. There were more critics than readers. Besides, as the subject was examined, those fears have subsided.

The movements of passion are quicker than those of the understanding. We are to search for the causes of first impressions, not in the articles of this obnoxious and misrepresented instrument, but in the state of the public feeling.

The fervor of the Revolutionary war had not entirely cooled, nor its controversies ceased, before the sensibilities of our citizens were quickened with a tenfold vivacity, by a new and extraordinary subject of irritation. One of the two great nations of Europe underwent a change which has attracted all our wonder, and interested all our sympathies. Whatever they did, the zeal of many went with them, and often went to excess. These impressions met with much to inflame, and nothing to restrain them. In our newspapers, in our feasts, and some of our elections, enthusiasm was admitted a merit, a test of patriotism, and that made it contagious. In the opinion of party, we could not love or hate enough. I dare say, in spite of all the obloquy it may provoke, we were extravagant in both. It is my right to avow that passions so impetuous, enthusiasm so wild, could not subsist without disturbing the sober exercise of reason, without putting at risk the peace and precious interests of our country. They were hazarded. I will not exhaust the little breath I have left, to say how much, nor by whom, or by what means they were rescued from the sacrifice. Shall I be called upon to offer my proofs? They are here, they are everywhere. No one has forgotten the proceedings of 1794. No one has forgotten the captures of our vessels, and the imminent danger of war. The nation thirsted not merely for reparation, but vengeance. Suffering such wrongs, and agitated by such resentments, was it in the power of any words of compact, or could any parchment with its seals prevail at once, to tranquillize the people? It was impossible. Treaties in England are seldom popular, and least of all when the stipulations of amity succeed to the bitterness of hatred. Even the best treaty, though nothing be refused, will choke resentment, but not satisfy it. Every treaty is as sure to disappoint extravagant expectations as to disarm extravagant passions. Of the latter, hatred is one that takes no bribes. They who are animated by the spirit of revenge, will not be quieted by the possibility of profit.

Why do they complain, that the West Indies are not laid open? Why do they lament, that any restriction is stipulated on the commerce of the East Indies? Why do they pretend, that if they reject this, and insist upon more, more will be accomplished? Let us be explicit—more would not satisfy. If all was granted, would not a treaty of amity with Great Britain still be obnoxious? Have we not this instant heard it urged against our envoy, that he was not ardent enough in his hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objection, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or a despot: there will be no naval security while those sea-robbers domineer on the ocean: their den must be destroyed: that nation must be extirpated.

I like this, sir, because it is sincerity. With feelings such as these, we do not pant for treaties. Such passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left king George his island, it would not answer; not if he stipulated to pay rent for it. It has been said, the world ought to rejoice if Britain was sunk in the sea; if where there are

now men, and wealth, and laws, and liberty, there was no more than a sand-bank for the sea-monsters to fatten on—a space for the storms of the ocean to mingle in conflict.

I object nothing to the good sense or humanity of all this. I yield the point, that this is a proof that the age of reason is in progress. Let it be philanthropy, let it be patriotism, if you will, but it is no indication that any treaty would be approved. The difficulty is not to overcome the objections to the terms; it is to restrain the repugnance to any stipulations of amity with the party.

Having alluded to the rival of Great Britain, I am not unwilling to explain myself; I affect no concealment, and I have practised none. While those two great nations agitate all Europe with their quarrels, they will both equally desire, and with any chance of success, equally endeavor to create an influence in America. Each will exert all its arts to range our strength on its own side. How is this to be effected? Our government is a democratical republic. It will not be disposed to pursue a system of politics, in subservience to either France or England, in opposition to the general wishes of the citizens: and, if Congress should adopt such measures, they would not be pursued long, nor with much success. From the nature of our government, popularity is the instrument of foreign influence. Without it, all is labor and disappointment. With that mighty auxiliary, foreign intrigue finds agents, not only volunteers, but competitors for employment, and any thing like reluctance is understood to be a crime. Has Britain this means of influence? Certainly not. If her gold could buy adherents, their becoming such would deprive them of all political power and importance. They would not wield popularity as a weapon, but would fall under it. Britain has no influence, and for the reasons just given, can have none. She has enough; and God forbid she ever should have more. France, possessed of popular enthusiasm, of party attachments, has had, and still has, too much influence on our politics—any foreign influence is too much, and ought to be destroyed. I detest the man, and disdain the spirit, that can bend to a mean subserviency to the views of any nation. It is enough to be Americans. That character comprehends our duties, and ought to engross our attachments.

But I would not be misunderstood. I would not break the alliance with France; I would not have the connection between the two countries even a cold one. It should be cordial and sincere; but I would banish that influence, which, by acting on the passions of the citizens, may acquire a power over the government.

It is no bad proof of the merit of the treaty, that, under all these unfavorable circumstances, it should be so well approved. In spite of first impressions, in spite of misrepresentation and party clamor, inquiry has multiplied its advocates; and at last the public sentiment appears to me clearly preponderating to its side.

On the most careful review of the several branches of the treaty, those which respect political arrangements, the spoliations on our trade, and the regulation of commerce, there is little to be apprehended. The evil, aggravated as it is by party, is little in degree, and short in duration; two years from the end of the European war. I ask, and I would ask the question significantly, what are the inducements to reject the treaty? What great object is to be gained, and fairly gained by it? If, however, as to the merits of the treaty, candor should suspend its approbation, what is there to hold patriotism a moment in balance, as to the violation of it? Nothing; I repeat confidently, nothing. There is nothing before us in that event but confusion and dishonor.

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To expatiate on the value of public faith may pass with some men for declamation—to such men I have nothing to say. To others I will urge —can any circumstance mark upon a people more turpitude and debasement? Can any thing tend more to make men think themselves mean, or degrade to a lower point their estimation of virtue, and their standard of action?

It would not merely demoralize mankind, it tends to break all the ligaments of society, to dissolve that mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir, this is not the character of the virtue, and it soars higher for its object. It is an extended self-love,

mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defence, and is conscious that he gains protection while he gives it. For, what rights of a citizen will be deemed inviolable when a state renounces the principles that constitute their security? Or, if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land.

I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period, when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians—a whiff of tobacco smoke or a string of beads, gives not merely binding force, but sanctity to treaties. Even in Algiers, a truce may be bought for money, but when ratified, even Algiers is too wise, or too just, to disown and annul its obligation. Thus we see, neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their state. They would perceive it was their interest to make others respect, and they would therefore soon pay some respect themselves to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition, that America should furnish the occasion of this opprobrium. No, let me not even imagine, that a republican government, sprung, as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless—can dare to act what despots dare not avow: what our own example evinces, the states of Barbary are unsuspected of. No, let me rather make the supposition, that Great Britain refuses to execute the treaty, after we have done every thing to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather what would you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him—he would disown his country? You would exclaim, England, proud of your wealth, and arrogant in the possession of power—blush for these distinctions, which become the vehicles of your dishonor! Such a nation might truly say to corruption, thou art my father, and to the worm, thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt.

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The idea of war is treated as a bugbear. This levity is at least unseasonable, and most of all unbecoming some who resort to it.

Who has forgotten the philippics of 1794? The cry then was reparation—no envoy—no treaty—no tedious delays. Now, it seems, the passion subsides, or at least the hurry to satisfy it. Great Britain, say they, will not wage war upon us.

In 1794, it was urged by those who now say, no war, that if we built frigates, or resisted the piracies of Algiers, we could not expect peace. Now they give excellent comfort truly. Great Britain has seized our vessels and cargoes to the amount of millions; she holds the posts; she interrupts our trade, say they, as a neutral nation; and these gentlemen, formerly so fierce for redress, assure us, in terms of the sweetest consolation, Great Britain will bear all this patiently. But let me ask the late champions of our rights, will our nation bear it? Let others exult because the aggressor will let our wrongs sleep forever. Will it add, it is my duty to ask, to the patience and quiet of our citizens, to see their rights abandoned? Will not the disappointment of their hopes, so long patronized by the government, now in the

crisis of their being realized, convert all their passions into fury and despair?

Are the posts to remain forever in the possession of Great Britain? Let those who reject them, when the treaty offers them to our hands, say, if they choose, they are of no importance. If they are, will they take them by force? The argument I am urging, would then come to a point. To use force is war. To talk of treaty again is too absurd. Posts and redress must come from voluntary good-will, treaty, or war.

The conclusion is plain, if the state of peace shall continue, so will the British possession of the posts.

Look again at this state of things. On the sea-coast, vast losses uncompensated: on the frontier, Indian war, actual encroachment on our territory: everywhere discontent—resentments tenfold more fierce because they will be impotent and humbled: national scorn and abasement.

The disputes of the old treaty of 1783, being left to rankle, will revive the almost extinguished animosities of that period. Wars, in all countries, and most of all in such as are free, arise from the impetuosity of the public feelings. The despotism of Turkey is often obliged, by clamor, to unsheath the sword. War might perhaps be delayed, but could not be prevented. The causes of it would remain, would be aggravated, would be multiplied, and soon become intolerable. More captures, more impressments would swell the list of our wrongs, and the current of our rage. I make no calculation of the arts of those whose employment it has been, on former occasions, to fan the fire. I say nothing of the foreign money and emissaries that might foment the spirit of hostility, because the state of things will naturally run to violence. With less than their former exertion, they would be successful.

Will our government be able to temper and restrain the turbulence of such a crisis? The government, alas, will be in no capacity to govern. A divided people—and divided councils! Shall we cherish the spirit of peace, or show the energies of war? Shall we make our adversary afraid of our strength, or dispose him, by the measures of resentment and broken faith, to respect our rights? Do gentlemen rely on the state of peace because both nations will be worse disposed to keep it; because injuries, and insults still harder to endure, will be mutually offered? Such a state of things will exist, if we should long avoid war, as will be worse than war. Peace without security, accumulation of injury without redress, or the hope of it, resentment against the aggressor, contempt for ourselves, intestine discord and anarchy. Worse than this need not be apprehended, for if worse could happen, anarchy would bring it. Is this the peace gentlemen undertake with such fearless confidence to maintain? Is this the station of American dignity, which the high-spirited champions of our national independence and honor could endure—nay, which they are anxious and almost violent to seize for the country? What is there in the treaty, that could humble us so low? Are they the men to swallow their resentments, who so lately were choking with them? If in the case contemplated by them, it should be peace, I do not hesitate to declare it ought not to be peace.

Is there any thing in the prospect of the interior state of the country, to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another, and shake down the feeble and then unbraced structure of our government? Is this a chimera? Is it going off the ground of matter of fact to say, the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments! Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists, its movements must stop, and when we talk of a remedy, is that any other than the formidable one of a revolutionary interposition of the people? And is this, in the judgment even of my opposers, to execute, to preserve the Constitution and the public order? Is this the state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave, or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty are invulnerable and immortal—as if our happy state was not to be disturbed by our dissensions, and that we are not capable of falling from it by our unworthiness. Some of them have, no doubt, better nerves and better discernment than mine. They can see the bright aspects and happy consequences of all this array of horrors. They can see intes-

tine discords, our government disorganized, our wrongs aggravated, multiplied and unredressed, peace with dishonor, or war without justice, union or resources, in "the calm lights of mild philosophy."

But whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the House. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done, they have doubtless resolved what to propose Why then are they silent? Dare they not avow their plan of conduct, or do they wait till our progress towards confusion shall guide them in forming it?

Let me cheer the mind, weary, no doubt, and ready to despond on this prospect, by presenting another, which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its continuance, without some respect for the measures which, many will say, produced, and all will confess, have preserved it? Will he not feel some dread, that a change of system will reverse the scene? The well-grounded fears of our citizens in 1794, were removed by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered, at that day, as a happy escape from the calamity? The great interest, and the general desire of our people was, to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negotiation after the end of the European war. This was gaining every thing, because it confirmed our neutrality, by which our citizens are gaining every thing. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentred in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded, at the same time, the sure prognostic of fair weather. If we reject it, the vivid colors will grow pale, it will be a baleful meteor portending tempest and war.

Let us not hesitate, then, to agree to the appropriation to carry it into faithful execution. Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise, that will augment its prosperity. The progress of wealth and improvement is wonderful, and, some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed-wheat, and is sown again to swell, almost beyond calculation, the future harvest of prosperity. And in this progress, what seems to be fiction is found to fall short of experience.

I rose to speak under impressions that I would have resisted if I could. Those who see me will believe, that the reduced state of my health has unfitted me, almost equally, for much exertion of body or mind. Unprepared for debate, by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent was imposed by necessity, and would cost me no effort to maintain it. With a mind thus vacant of ideas, and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation, have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led, by my feelings, to speak more at length than I had intended. Yet I have, perhaps, as little personal interest in the event as any one here. There is, I believe, no member who will not think his chances to be a witness of the consequences greater than mine. If, however, the vote should pass to reject, and a spirit should rise, as it will, with the public disorders, to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the government and Constitution of my country.

CHAPTER IX.

1796-1797.

CLOSE OF WASHINGTON'S PUBLIC LIFE.

Conduct of the French government towards the United States — Complaints of the Directory — Retaliation resolved upon by them — Adet in the United States and Monroe in France — Intrigues of Spain in the west — Monroe's views and course — Washington dissatisfied — Pinckney appointed in Monroe's place — Conduct of the Directory towards Pinckney — Monroe's leave-taking — Washington's determination not to serve as president a third term — His noble Farewell Address — How it was received throughout the country — The candidates for the presidency — Ardent struggle between the parties — Adet's insolent interference — Extract from his letter — Effect produced — Washington's speech to Congress — Its contents — Touching conclusion of the speech — Depredations of the French upon American commerce — Message from the president on the relations with France — Little business done in Congress — Result of the election — John Adams elected president — Thomas Jefferson elected vice-president — Washington's course in regard to calumnies against his character — The volume of forged letters — His earnest desire for rest and repose — Deep and true feeling of the people towards him — A review of his administration — Its manifold success. Appendix to Chapter IX. I. The Mazzei Letter. II. Mr. Gibbs on Washington's Retirement into Private Life.

The French government had closely watched the progress of events connected with Mr. Jay's treaty. Notwithstanding all their protestations on the subject, it was a fixed determination on their part to involve the United States in the war against England, and the American minister in France was informed, that that republic would govern itself according to the course pursued by the United States, in regard to the treaty with his Britannic majesty. No sooner had the news of Mr. Jay's treaty being completed reached Paris, than Mr. Monroe was importuned to disclose its contents, even before it had been submitted to the American government; and when this evidently unreasonable request was not granted, other ways were found to manifest the jealousy and suspicion of the French authorities towards the United States.

On the 12th of September, 1795, the secretary of state informed Mr. Monroe, that the president had ratified the treaty, and also furnished him with his reasons for so doing, with a view that they might be presented to the French government. The frantic Committee of Public Safety had been succeeded, towards the close of 1795, by the profligate Executive Directory, which, without scruple, turned to account the dissensions existing in the United States on the subject of the treaty with England.

In February, 1796, M. De la Croix, the minister of foreign affairs, informed Mr. Monroe, that the Directory had determined how to act in regard to the American treaty with Great Britain. They had, he said, considered the alliance between France and the United States at an end, from the

1796.

moment that treaty was ratified; and intimated that a special envoy would be sent to announce this to the American government. Soon after, he presented to the American minister, a summary exposition of the complaints of the French government against the United States. The British treaty was, of course, the most prominent subject of complaint, and it was charged that the United States had knowingly and clearly sacrificed their connection with France, by entering into any terms with England on the subject of commerce and navigation. Mr. Monroe, in his reply, denied these allegations, and fully refuted the complaints of the Directory.

Confidently presuming that the House of Representatives would not pass the laws necessary to carry the British treaty into effect, France did not immediately press the subject, but when the news of the result in the House reached Paris, measures of retaliation were determined upon at once. On the 25th of June, the French minister in-

1796. quired of Mr. Monroe, whether the intelligence contained in the American gazettes, was true, that the House had consented to carry the treaty into effect. "After the chamber of Representatives," he added, "has given its consent to this treaty, we ought, no doubt, to consider it in full force: and as the state of things which results from it merits our profound attention, I wish to learn from you in what light we are to consider the event which the public papers announce, before I call the attention of the Directory to those consequences which ought especially to interest this republic." Although the American minister was unable to give any official information on the subject, yet, no doubt, informed by their own minister in the United States, that the intelligence was true, the Directory at once took those measures of retaliation they had contemplated; and on the 2d of July, issued their celebrated decree, that "all neutral or allied powers shall, without delay, be notified, that the flag of the French republic will treat neutral vessels, either as to confiscation, as to searches, or capture, in the same manner as they shall suffer the English to treat them."

Rumors, indeed, had before this reached the United States, that measures hostile to American commerce, were contemplated by the French government. To ascertain the truth of these rumors, Colonel Pickering, secretary of state, as early as the 1st of July, 1796, addressed a note to M. Adet, inquiring whether the government of France had decreed any new regulations or orders relative to the commerce of the United States, and, if so, what they were. Adet, in his answer, on the 14th instant, declared, that he was ignorant of the nature of the orders which might have been given by the government to French ships of war, or what conduct had been prescribed to them with respect to neutral vessels trading with their enemies. Probably secret orders had been sent before this to the West Indies to capture American vessels; as in June preceding, a valuable ship called the Mount Vernon, was captured off the Capes of Delaware,

by a French privateer, from St. Domingo.

Spain, in August, 1796, concluded a treaty with France, and soon after made complaints against the British treaty as sacrificing her interests likewise, as well as those of France. On this ground the delivery of the posts on the Mississippi was delayed, and, urged on by France, attempts were made to induce the western people to form an independent empire, which project, however, as Pitkin shows, (vol. ii., pp. 485–88,) failed entirely. France also pressed upon Holland to aid in defeating the treaty with England, and, as John Quincy Adams, the American minister, showed, Holland dared not refuse the behests of France. 1796.

Washington had, at all times, been sincerely anxious to come to a full and satisfactory explanation with the French Directory, and he had caused Mr. Monroe to be furnished with ample materials for the justification of his government, in relation to the treaty with England But, unfortunately, Mr. Monroe did not really approve of the policy of the president with regard to France. He thought that she had just grounds of complaint, and consequently his course of action was not likely to be quite acceptable to the president. Washington was not pleased that Mr. Monroe, instead of pressing upon the Directory the views and feelings of the American government, had waited until formal complaints should be made, and omitted to urge them while the Directory was deliberating on the course it should pursue.

Knowing well that the intentions of the executive had been at all times friendly to the French republic, the president had relied with confidence on early and candid communications for the removal of any prejudices or misconceptions. That the Directory would be disappointed at the adjustment of those differences which threatened to embroil the United States with Great Britain, could not be doubted; but, as neither this adjustment, nor the arrangements connected with it, had furnished any real cause of complaint, he had cherished the hope that it would produce no serious consequences, if the proper means of prevention should be applied in time. He was therefore dissatisfied with delays which he had not expected; and seems to have believed that they originated in a want of zeal to justify a measure which neither the minister himself, nor his political friends, had ever approved. To insure an earnest and active representation of the true sentiments of the executive, the president was inclined to depute an envoy extraordinary for the particular purpose, who should be united with the actual minister; doubting, however, whether he could make such an appointment during the recess of the Senate, he resolved to supersede Mr. Monroe, and appoint a new envoy in his place. After much deliberation, General Charles Cotesworth Pinckney was chosen,* and 1796.

* Mr. Gibbs (vol. i., p. 368) stating that "it was high time Mr. Monroe should be recalled," gives an extract from Thiers's History of the French Revolution, wherein Monroe's course does not appear to much advantage.

on the 22d of August, Mr. Monroe was notified of his recall. General Pinckney embarked for France early in September.

About the 1st of December, General Pinckney arrived in Paris, and soon after, in company with Mr. Monroe, waited upon the minister of foreign affairs, and presented his credentials. These were laid before the Directory, and on the 11th of December, M. De la Croix sent Mr. Monroe word, with considerable superciliousness, that the Directory would "no longer recognize a minister-plenipotentiary from the United States, until after a reparation of the grievances demanded of the American government, and which the French republic has a right to expect." The French minister, however, declared, "that this determination, which is become necessary, does not oppose the continuance of the affection between the French republic and the American people, which is grounded on former good offices and reciprocal interest; an affection which you have taken pleasure in cultivating, by all the means in your power." General Pinckney's situation became embarrassing and annoying to a high degree, the Directory refusing to hold any communication with him, and he not knowing but that he might be compelled by the police to quit France at any moment.

At the close of December, Monroe took leave of the Directory with great ceremony, and concluded his address by saying: "I beg leave to make to you, citizen directors, my particular acknowledgments for the confidence and attention with which you have honored my mission during its continuance, and at the same time to assure you that I shall always take a deep and sincere interest in whatever concerns the prosperity and welfare of the French republic, so I shall never cease, in my retirement, to pay, in return for the attention you have shown me, the only acceptable recompense to generous minds, the tribute of a grateful remembrance." 1796.

The reply of the president of the Directory was in that haughty, patronizing tone and temper that marked the conduct of the French government at this date towards the United States: "By presenting this day to the Executive Directory, your letters of recall," the president said, "you offer a very strange spectacle to Europe. France, rich in her freedom, surrounded by the train of her victories, and strong in the esteem of her allies, will not stoop to calculate the consequences of the condescension of the *American government* to the wishes of its ancient tyrants. The French republic expects, however, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom the magnanimous friendship of the French people, with the caresses of perfidious men, who meditate to bring them under their former yoke. Assure the *good people* of America, Mr. Minister, that, like them, we adore liberty; that they will always possess our esteem, and find in the French people that republican generosity which knows how to grant

peace, as well as to cause its sovereignty to be respected.

"As for you, Mr. Minister-plenipotentiary, you have contended for principles; you have known the true interests of your country—depart with our regret; we restore, in you, a representative to America; and we preserve the remembrance of the citizen, whose personal qualities did honor to that title."*

Mr. Monroe, on his return to the United States, deemed it necessary, in vindication of his character, to appeal to the public, and he accordingly published his "View of the Conduct of the Executive in the Foreign Affairs of the United States, connected with the Mission to the French Republic, during the years 1794, 95 and 96." The student of history will find it to his advantage to consult this work, respecting which it ought to be mentioned, opinions were, at the time, and have continued, various and contradictory.

Washington, in replying to a letter from Jefferson, who had felt called upon to clear himself from any thing like suspicion of a breach of official trust, while in the cabinet, spoke in strong terms of the outrageous abuse to which he had been subjected by a malignant party press: "To this I may add, and very truly, that, until the last year or two, I had no conception that parties would, or even could, go the lengths I have been witness to; nor did I believe, until lately, that it was within the bounds of probability—hardly within those of possibility—that while I was using my utmost exertions to establish a national character of our own, independent, as far as our obligations and justice would permit, of every nation of the earth; and wished, by steering a steady course, to preserve this country from the horrors of a desolating war, I should be accused of being the enemy of one nation and subject to the influence of another; and to prove it, that every act of my administration would be tortured, and the grossest and most insidious misrepresentations of them be made, by giving one side only of a subject, and that too in such exaggerated and indecent terms as could scarcely be applied to a Nero—to a notorious defaulter—or even to a common pickpocket." Some three years previously, we may here mention, Washington, alluding to several "diabolical" characters who made him a mark to shoot at, said, in a private letter, "The publications in Freneau's and Bache's papers are outrages on common decency; and they progress in that style, in proportion as their pieces are treated with contempt, and passed over in silence, by those against whom they are directed."

The time was now approaching when it was necessary that the minds of the people should be turned to the election of a president, to serve for the ensuing

* We may mention here that General Pinckney was permitted to reside at Paris until about the 1st of February, 1797, when the Directory, elated by their victories in Italy, gave him written orders to quit the territories of the republic. He immediately retired to Amsterdam, where he remained until joined by Mr. Marshall and Mr. Gerry, who, under the administration of Mr. Adams, were associated with him as envoys extraordinary to the French republic.

term of four years. Hamilton, and other intimate friends, were aware of Washington's fixed determination not to continue at the head of affairs any longer; yet, in the unsettled position of matters with France, he was urgently entreated to withhold the announcement of his determination for a space at least. But his purpose was not to be changed. He had already sacrificed enough for his country to be entitled to his discharge from public life, and never did a weary and careworn pilgrim more earnestly covet rest and retirement, than he, to whom his country was so large a debtor. As on every account proper, Washington determined to avail himself of the opportunity to address to his countrymen his parting words of wise and fatherly counsel. **1796.**

Accordingly, early in September, nearly six months before his term of office expired, he completed his Farewell Address, and gave expression to the views which he entertained on public affairs, and the principles by which he had ever been governed in the service of the state. This noble and manly document, the invaluable legacy of the father of his country to the people whom he loved, and for whom he labored all his life long, is too important not to be held up continually before the eyes of the countrymen of Washington, and the inheritors of the manifold blessings of liberty and law, which Washington expended his best energies to secure to all generations. We give the Address in full, and venture to ask the reader to ponder well its contents:

"TO THE PEOPLE OF THE UNITED STATES.

"FRIENDS AND FELLOW CITIZENS:—The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom the choice is to be made. **1796.**

"I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction, that the step is compatible with both.

"The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been an uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to **1796.**

return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

"I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove of my determination to retire.

"The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust I will only say, that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

"In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honours it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead—amidst appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing wishes, that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may

1796.

be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and the adoption, of every nation which is yet a stranger to it.

"Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

1796.

"Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

"The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home, your peace abroad; of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, (though often covertly and insidiously,) directed, it is of infinite moment, that you should properly estimate the immense value of your national union, to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

"For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion,

manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess, are the work of joint councils, and joint efforts, of common dangers, sufferings, and successes.

"But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

1796.

"The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *south*, in the same intercourse, benefiting by the agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated—and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort; and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsecally precarious.

"While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop

of your liberty, and that the love of the one ought to endear to you the preservation of the other.

"These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal.

1796. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

"In contemplating the causes which may disturb our union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—*northern* and *southern*—*Atlantic* and *western*: whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other, those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government, and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

"To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your for-

mer, for an intimate union, and for the efficacious management of your common concerns. This government, the off-
1796. spring of our own choice, uninfluenced and unawed; adopted upon full investigation and mature deliberation; completely free in its principles; in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendments, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish a government, presupposes the duty of every individual to obey the established government.

"All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation, the will of a party, often a small, but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

"However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

"Towards the preservation of your government, and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true characters of governments, as of other human institutions—that experience is the surest standard, by which to test the real tendency of the existing constitution of a country—that facility in changes upon the credit of mere hypothesis and opin-

ion, exposes to perpetual change from the endless variety of hypothesis and
1796. opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

"I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

"This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

"The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

"Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

"It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channel of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

"There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look

with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

"It is important, likewise, that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country, and under our own eyes To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

1796.

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

"It is substantially true, that virtue or morality is a necessary spring of

popular government. This rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

"Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

"As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace; but remembering also, that timely disbursements to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate. 1796.

"Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt, that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

"In the execution of such a plan, nothing is more essential than that permanent inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a

slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

1796.

"Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion, what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

"So, likewise, a passionate attachment of one nation for another, produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justification. It leads also to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens, (who devote themselves to the favorite nation,) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

"As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see

danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

1796.

"Europe has a set of primary interests, which to us have none, or a very remote, relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off, when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

"Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise, to extend them.

"Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

"Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed,—in order to give trade a stable course, to define the rights of our mer-

chants, and to enable the government to support them,—conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

"In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit; to warn against the mischiefs of foreign intrigue; to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

1796.

"How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

"In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

"After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

"The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

"The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation,

in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

"The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

"Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

"Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

"UNITED STATES, *Sept.* 17, 1796."

This valedictory address was received in every part of the United States with the profoundest reverence and regard for the father of his country. The state legislatures, when they assembled, and other public bodies, voted addresses and thanks to the president, and expressed their respect for his person, their high sense of his exalted services, and the emotions with which they viewed his retirement from office. In some of the states, the Farewell Address was printed and published with the laws, by order of the legislatures, as an evidence of the value they attached to its precepts, and their sincere attachment to its author.* **1796.**

Washington, who alone was able to command the voice of the whole people, having declined a re-election, the two great parties prepared for a vigorous struggle respecting his successor. The federalists, after some consideration, determined to support John Adams for president, and Thomas Pinckney for vice-president. The republicans, without hesitation, took up Thomas Jefferson as their strongest candidate for the presidency.

The struggle was one of no little moment, and excited the deepest attention and concern throughout the

* For some interesting particulars respecting the Farewell Address, see Sparks's "*Life of Washington*," pp. 525–30.

country. Its progress was watched with great interest, abroad as well as at home; and according as one or the other party was likely to attain success, were the fears and the hopes of enemies and friends roused and depressed. In addition to the usual unscrupulous and vile excesses of party spirit and party vindictiveness, one remarkable event requires notice. Genet, it will be remembered, had insulted Washington by threatening an appeal to the people; it remained to Adet to commit a still greater outrage upon the American people, by directly interfering for the purpose of promoting the election of the republican candidate.*

1796.

On the 15th of November, when the election was just at hand, while the parties were so balanced that neither scale could be perceived to preponderate, Adet addressed a letter to the secretary of state, in which he recapitulated the numerous complaints which had been urged against the government, and reproached it, in terms of great asperity, with violating those treaties which had secured its independence, with ingratitude to France, and with partiality to England. These wrongs, which commenced with the "*insidious*" proclamation of neutrality, were said to be so aggravated by the treaty with Great Britain, that Adet announced the orders of the Directory to suspend his ministerial functions with the federal government. "But the cause," he added, "which has so long restrained the just resentment of the Executive Directory from bursting forth, now tempered its effects. The name of America, notwithstanding the wrongs of its government, still excited sweet sensations in the hearts of Frenchmen; and the Executive Directory wished not to break with a people whom they loved to salute with the appellation of friend."

This suspension of his functions, therefore, was not to be regarded "as a rupture between France and the United States, but as a mark of just discontent which was to last until the government of the United States returned to sentiments and to measures more conformable to the interests of the alliance, and to the sworn friendship between the two nations." "Oh Americans, covered with noble scars!" were some of his concluding impertinences; "Oh you who have so often flown to death and to victory with French soldiers! You who know those generous sentiments which distinguish the true warrior! Whose hearts have always vibrated with those of your companions in arms! Consult them to-day to know what they experience; recollect at the same time, that if magnanimous souls with liveliness resent an affront, they also know how to forget one. Let your government return to itself, and you will still find in Frenchmen, faithful friends and generous allies."

* It was about this date, as Mr. Tucker states, that Mr. Jefferson wrote that letter to Mazzei which caused subsequently a good deal of noise in the United States. Mazzei translated the portion relating to politics into Italian, and published it at Florence; it was then translated into French, and published in the *Moniteur*, at Paris; and the year following, retranslated into English, it roused public attention at home. For the passage in the original letter, as quoted by Mr. Tucker, see Appendix I., at the end of the present chapter.

As if to remove any possible doubt respecting the purpose for which this extraordinary letter was written, a copy was transmitted, on the day of its date, to a printer, for publication. But Adet overshot the mark. Like his predecessors, he does not appear to have at all comprehended the true character of the American people, who are extremely sensitive on the point of outside interference, and scorn every thing like dictation in regard to their internal affairs. The very grossness of the insult caused many of the partisans of France to be seized with disgust at the course of Adet, and nerved the federalists to fresh exertion in order to defeat the republican candidate.

Congress came together early in December, before the contest was finished.* On the 7th, he met both Houses in the Senate-chamber, for the last time, and delivered an unusually interesting opening speech. Presenting an able and comprehensive view of the present situation of the United States, and the steps which had been taken with regard to commercial affairs, he added; "To an active external commerce, the protection of a naval force is indispensable. This is manifest with regard to wars in which a state itself is a party; but besides this, it is in our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag requires a naval force, organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have but just been relieved." With these views he suggested the propriety of gradually creating a navy, by providing and laying up materials for building and equipping ships of war, and to proceed in the work as the resources of the country should increase.

1796.

He next invited the attention of the national legislature to the encouragement of manufactures and agriculture, as well as to the establishment of a military academy and a national university. Alluding to the late conduct of the French government by saying, that while in our external relations some serious inconveniences and embarrassments had been overcome, and others lessened, it was with much pain and regret that he had to state, that circumstances of a very unwelcome nature had lately occurred. "Our trade has suffered and

* On the first day of the session, "a delegate from the newly-added state of Tennessee appeared, was qualified, and took his seat; one who, young and unknown as he then was, destiny had marked out as the future ruler of the nation, into whose grand council he now came as the first Representative of its youngest member; and how many on that floor foresaw, in his gaunt frame and iron visage, a successor of him who was now to bid them farewell, the man who, for good or for evil, was to wield the future destinies of his country with the power of a Cæsar!"—Gibbs's "*Administrations of Washington and Adams*," vol. i., p. 405.

is suffering extensive injuries in the West Indies, from the cruisers and agents of the French republic; and communications have been received from its minister here, which indicate the danger of a further disturbance of our commerce by its authority, and which are far from agreeable."

Reserving this subject for a special message, the president spoke of the flourishing state of the revenue; his hope that the national debt would be speedily liquidated; and his anxiety respecting a proper militia system; and concluded his speech in the following touching words:

"The situation in which I now stand, for the last time, in the midst of the representatives of the people of the United States, naturally recalls the period when the administration of the present form of government commenced; and I cannot omit the occasion to congratulate you and my country on the success of the experiment; nor to repeat my fervent supplications to the Supreme Ruler of the universe, and Sovereign Arbiter of nations, that his providential care may be extended to the United States; that the virtue and happiness of the people may be preserved; and that the government which they have instituted for their protection may be perpetual."* 1796.

The answer of the Senate was cordial, and expressed in terms which did honor to their manly sensibilities. In the House, however, where, under the circumstances, one might have looked for unanimity in the avowing warm attachment to the president personally, and approval of his administration, Mr. Giles, Andrew Jackson, and a few others, distinguished themselves by voting to expunge all those paragraphs in the answer, as reported by the committee, which expressed attachment to the person and character of the president, approbation of his administration, or regret at his retiring from office. Nevertheless, after an animated debate, the motion to strike out was lost, and the answer was carried by a very large majority.

The depredations of the French upon American commerce were carried on with unblushing audacity. American vessels were taken and condemned, even because bound to a British port, and on various other new and frivolous pretences. The want of, or informality in, a bill of lading; the want of a certified list of the passengers and crew; the supercargo being by birth a foreigner, although a naturalized citizen of the United States; the destruction of a paper of any kind whatever; and the want of a sea-letter; were sufficient reasons for condemnation.

On the 19th of January, 1797, the president, agreeably to the intimation in his speech at the opening of the session, communicated to Congress the state of the relations of the country with the French republic. This embraced an elaborate re- 1797.

* Jefferson (*Works*, vol. ix., p. 99) states, that Washington was beginning to fail evidently, in energy, ability, and decision of purpose. He says also, that his memory was sensibly impaired by age, etc. These are mere opinions, and are sufficiently contradicted by the occurrences of the subsequent years of Washington's life.

view of the conduct of France and her ministers towards the United States, and of their various complaints against the American government, from an early period of the European war; and which was embodied in a letter from the secretary of state to General Pinckney, the American minister in France. It contained not only an able review, but an ample refutation of the various charges made by France, as well as a complete justification of the conduct of President Washington towards that nation, during a period most interesting to his country, and most trying to himself. This exposition was made to enable General Pinckney more fully to make explanations to the French government, as well as to present to the American people the views of the president in his conduct towards France; views, which had been so grossly misrepresented. We are sorry to say, however, that the effect produced by this very able letter, and the accompanying documents, was not such as had been hoped for, either at home or in France.

Notwithstanding the various measures recommended by the president in his opening speech, little was done during the present session of Congress. The great political struggle absorbed every other consideration, and there was not much disposition to attend to public affairs at so interesting a crisis. The attempt to organize the militia efficiently was a failure; and it was even proposed to reduce the army, scanty as it was; and to prevent the building of the frigates which had been ordered. The secretary of the treasury brought forward his report, as ordered in the foregoing session, and suggested, as a means of making up the million and a quarter of yearly deficit, a tax upon lands, houses, and slaves. This was rejected by the House, and instead, an additional impost upon certain articles was adopted; making, in fact, another new tariff. The appropriations, in addition to the sum required for the interest on the debt, were about $2,500,000.

On the 8th of February, the electoral votes were opened and counted in the presence of both Houses;* and John Adams announced the fact from the chair of the vice-president, that he himself had received seventy-one votes; Thomas Jefferson, sixty-eight; Thomas Pinckney, fifty-nine; Aaron Burr, thirty; and that the balance of the votes were given in varying small numbers, to Samuel Adams, Oliver Ellsworth, John Jay, etc. The total number of electors was a hundred and thirty-eight. Thus, John Adams became the second president of the United States; and by some unfortunate mismanagement on the part of the federalists, Pinckney missed the vice-presidency, and the man of all others most dreaded by the federal

* Before the result of the election was known, Jefferson wrote to Madison and others, declaring how gladly he would take the second office in preference to the first; and adds, "If Mr. Adams could be induced to administer the government on its true principles, quitting his bias for an English constitution, it would be worthy of consideration whether it would not be for the public good, to come to a good understanding with him as to his future elections. He is the only sure barrier against Hamilton's getting in."

party, was placed in the very front rank of the republicans, and with the clear presage of success in the future. To use Mr. Adams's words, it thus happened, that "under the operation of the Constitution, Mr. Jefferson, though really the competitor for the presidency, yet, as standing second on the list of suffrages, became the vice-president for four years. The great opponent of the federalists was thus put in a conspicuous place for the succession, by the very act of those who entertained a dread amounting almost to mania of the bare possibility of his elevation. Neither is this the only instance furnished by the records of a popular government, of the manner in which the keenest political contrivances are apt not only to baffle all the expectations formed of them, but to precipitate the very results against which they were designed most sedulously to avoid."*

Washington had uniformly treated the calumnies of his enemies with the contempt which they deserved. In one instance only did he think it necessary to depart from the rule which he had laid down for himself on this subject. A volume of forged letters, purporting to be from General Washington to John Parke Custis and Lund Washington, was published by the British, in the year 1777, and was given to the public as being found in a small portmanteau, left in the care of his mulatto servant, Billy, who, it was said by the editors, had been taken prisoner at Fort Lee, in 1776. These letters were intended to produce in the public mind, impressions unfavorable to the integrity of Washington's motives, and to represent his inclinations as at variance with his profession and duty. The first edition of these spurious letters speedily sunk into oblivion; but some mean and malignant politicians unearthed them, and they were republished during the last year of Washington's presidency. On the morning of the concluding day of his public life, he addressed a letter to the secretary of state, in which, after enumerating all the facts and dates connected with the forgery, and declaring that he had hitherto deemed it unnecessary to take any formal notice of the imposition, he concluded as follows:—"But as I cannot know how soon a more serious event may succeed to that which will this day take place, I have thought it a duty that I owed to myself, to my country, and to truth, now to detail the circumstances above recited, and to add my solemn declaration, that the letters herein described, are a base forgery; and that I never saw or heard of them until they appeared in print. The present letter I commit to your care, and desire it may be deposited in the office of the department of state, as a testimony of the truth to the present generation and to posterity."*

1797.

Washington having discharged the

* "*Life and Works of John Adams*," vol. i., p. 493. The grandson of Mr. Adams charges upon Mr. Hamilton and his friends, the attempting, by a shrewd trick, to supplant John Adams and place Thomas Pinckney in the presidential chair. See pp. 490–93.

* "A History of the United States for the year 1796" appeared in 1797, in which Hamilton was charged with peculation and fraud. This led to an immediate reply from Hamilton, in which, while he

duties of courtesy and propriety towards his successor, gladly prepared to hasten to the delightful repose of Mount Vernon. "To the wearied traveller," as he said in a letter to General Knox, written the day before he ceased to be president, "who sees a resting-place, and is bending his body to lean thereon, I now compare myself; but to be suffered to do *this* in peace, is too much to be endured by *some*. To misrepresent my motives, to reprobate my politics, and to weaken the confidence which has been reposed in my administration, are objects which cannot be relinquished by those who will be satisfied with nothing short of a change in our political system. The consolation, however, which results from conscious rectitude, and the approving voice of my country, unequivocally expressed by its representatives, deprive their sting of its poison, and place in the same point of view both the weakness and malignity of their efforts. Although the prospect of retirement is most grateful to my soul, and I have not a wish to mix again in the great world, or to partake in its politics, yet I am not without my regrets at parting with (perhaps never more to meet) the few intimates whom I love. Among these, be assured, you are one."

1797.

In this connection, the following anecdote by the venerable Bishop White is worthy of being quoted: "On the day before President Washington retired from office, a large company dined with him. Among them were the foreign ministers and their ladies, Mr. and Mrs. Adams, Mr. Jefferson, and other conspicuous persons of both sexes. During the dinner, much hilarity prevailed; but, on the removal of the cloth, it was put an end to by the president, certainly without design. Having filled his glass, he addressed the company with a smile, as nearly as can be recollected in the following words: 'Ladies and gentlemen, this is the last time I shall drink your health as a public man. I do it with sincerity, wishing you all possible happiness.' There was an end of all pleasantry. He who gives this relation accidentally directed his eye to the lady of the British minister, Mrs. Liston, and tears were running down her cheeks."

The citizens of Philadelphia prepared a splendid banquet in honor of Washington, which was graced by the presence of the most distinguished men in the country. Everywhere, on the road home, he was welcomed with that enthusiastic devotion which the people never failed to manifest towards him. His endeavors to render his journey private were unavailing; and the gentlemen of that part of the country through which he passed, were still ambitious of testifying their sentiments for the man who had, from the birth of the republic, been deemed "first in war, first in peace, first in the hearts of his countrymen." And long after his retirement, he continued to receive ad-

refuted the charge of dishonesty easily enough, he brought to light a discreditable intrigue with "Mrs. Reynolds," so called, in which he had some years previously been inveigled. The details obviously need not be gone into; it is painful to allude to them even, for Hamilton is one respecting whom we heartily wish, that he had not stained his good name with this violation of the command of God.

dresses from legislative bodies, and various classes of citizens, expressive of the high sense entertained of his invaluable services.

On a review of the eight years of public life of the illustrious first president, there can hardly remain a doubt in the minds of any Americans, of the ability, wisdom, and energy with which he discharged his weighty responsibilities. Notwithstanding the violence and malignancy of party spirit, and the furious assaults to which his administration was subjected, Washington had firmly settled the practical working of the Constitution of the United States. "In the midst of the most appalling obstacles, through the bitterest internal dissensions, and the most formidable combinations of foreign antipathies and cabals, he had subdued all opposition to the Constitution itself;* had averted all dangers of European war; had redeemed the captive children of his country from Algiers; had reduced by chastisement, and conciliated by kindness, the most hostile of the Indian tribes; had restored the credit of the nation, and redeemed their reputation of fidelity to the performance of their obligations; had provided for the total extinguishment of the public debt; had settled the Union upon the immovable foundation of principles, and had drawn around his head for the admiration and emulation of after times, a brighter blaze of glory than had ever encircled the brows of hero or statesman, patriot or sage."

1797.

The results of Washington's arduous labors are so well summed up by his intimate friend and biographer, that we shall close the present chapter with his clear and comprehensive words, when contrasting the position of affairs in 1797, with what existed in 1788.

"At home, a sound credit had been created; an immense floating debt had been funded in a manner perfectly satisfactory to the creditors; an ample revenue had been provided; those difficulties which a system of internal taxation, on its first introduction, is doomed to encounter, were completely removed: and the authority of government was firmly established. Funds for the gradual payment of the debt had been provided; a considerable part of it had been actually discharged; and that system which has operated its entire extinction, had been matured and adopted. The agricultural and commercial wealth of the nation had increased beyond all former example. The numerous tribes of warlike Indians, inhabiting those immense tracts which lie between the then cultivated country and the Mississippi, had been taught, by arms and by justice, to respect the United States, and to continue in peace. This desirable object having been accomplished, that humane system was established, for civilizing and furnishing them with those conveniences of life which improve their condition, and secure their attachment.

"Abroad, the differences with Spain had been accommodated, and the free navigation of the Mississippi had been acquired, with the use of New Orleans

* "*Jubilee of the Constitution*," p. 113. Mr. Gibbs (vol. i., pp. 444–50) has some eloquent and interesting remarks and reflections on the subject of Washington's retirement into private life. See Appendix II., at the end of the present chapter.

as a place of deposit for three years, and afterwards, until some other equivalent place should be designated. Those causes of mutual exasperation which had threatened to involve the United States in war with the greatest maritime and commercial power in the world, had been removed; and the military posts which had been occupied within their territory from their existence as a nation, had been evacuated. Treaties had been formed with Algiers and with Tripoli, and no captures appear to have been made by Tunis; so that the Mediterranean was opened to American vessels.

"This bright prospect was indeed shaded by the discontents of France. Those who have attended to the points of difference between the two nations, will assign the causes to which these discontents are to be ascribed, and will judge whether it was in the power of the president to have avoided them without surrendering the real independence of the nation, and the most invaluable of all rights,—the right of self-government.

1797.

"Such was the situation of the United States at the close of Washington's administration. Their condition at its commencement will be recollected; and the contrast is too striking not to be observed. That this beneficial change in the affairs of America is to be ascribed exclusively to the wisdom which guided the national councils, will not be pretended. That many of the causes which produced it originated with the government, and that their successful operation was facilitated, if not secured, by the system which was adopted, can scarcely be denied. To estimate that system correctly, their real influence must be allowed to those strong prejudices and turbulent passions with which it was assailed."*

* Mr. Sparks, in the present connection, devotes several pages to the consideration of Mr. Jefferson's conduct towards Washington. These pages, written in a spirit of great candor and fairness, are well worth reading, and we cannot but agree with Mr. Sparks, that "after all, it is not easy to be convinced, that Jefferson is not, in some degree, chargeable with delinquency towards Washington during the latter years of his life."

APPENDIX TO CHAPTER IX.

I. THE MAZZEI LETTER.

"The aspect of our politics has wonderfully changed since you left us, April 24th, 1796. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican, monarchical, and aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles; the whole landed interest is republican, and so is a great mass of talents. Against us are the executive, the judiciary, two out of three branches of the legislature; all the officers of the government; all who want to be officers; all timid men, who prefer the calm of despotism to the boisterous sea of liberty; British merchants, and Americans trading on British capital; speculators, and holders in the banks and public funds, a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field, and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained, only by unremitting labors and perils. But we shall preserve it; and our mass of weight and wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to wake, and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors."

Mr. Tucker undertakes (vol. i., pp. 519–28) an elaborate and studied defence of the passage above quoted from the letter to Mazzei; with what success the student may judge by a careful perusal. (See also, vol. ii., p. 25.) On the other hand, Chief Justice Marshall, in a Note at the end of his "*Life of Washington*," bestows a searching and severe examination upon the Mazzei letter. Whatever conclusion the student may arrive at, one thing appears plain, we think, that Mr. Jefferson does not, to say the least, gain any additional laurels by these statements and assertions of his respecting the politics and men of the day.

II. MR. GIBBS ON WASHINGTON'S RETIREMENT INTO PRIVATE LIFE.

Just before his final retirement, Washington held his last formal levee. An occasion more respectable in simplicity, more imposing in dignity, more affecting in the sensations which it awakened, the ceremonials of rulers never exhibited. There were the great chiefs of the republic of all parties and opinions; veterans of the War of Independence, weather-stained and scarred; white-haired statesmen, who, in retirement, were enjoying the fruits of former toil; there were his executive counsellors and private friends; ministers of foreign governments, whose veneration approached that of his countrymen; citizens, who came to offer the tribute of a respect, sincere and disinterested. Little was there of the pageantry of courts, little of the glitter which attends the receptions of royalty; yet in the grave assemblage that stood in that unadorned chamber, there was a majesty which these knew not. The dignitaries of a nation had come together to bid farewell to one, who at their own free call, by their own willing trust—not as an honor to be coveted, but as a duty to be discharged—had in turn led their armies and executed their laws; one who now, his last task worthily fulfilled, was to take his place again among them, readier to relinquish than he had been to undertake power; a soldier, without stain upon his arms; a ruler, without personal ambition; a wise and upright statesman;

a citizen of self-sacrificing patriotism; a man pure, unblemished, and true in every relation he had filled; one to whom all ages should point as the testimony that virtue and greatness had been and could be united.

And he who was the object of this gathering—what thoughts crowded upon his mind, what recollections filled the vista of the sixty odd years which had passed over him; what changes of men, opinions, society, had he seen! Great changes, indeed, in the world and its old notions; the growing dissatisfaction of certain English emigrants at customary tyrannies and new intended ones, had taken form and shape; embodied itself into principles and vindicated them; blazed up an alarming beacon to the world's eyes as the Sacred Right of Rebellion; fought battles; asserted independence, and maintained it at much cost of bloodshed; made governments after its own new-fangled fashion; impressed a most unwilling idea on history—the doctrine of popular sovereignty; one which had proved contagious and had been adopted elsewhere, running riot indeed in its novelty. And out of all this confusion there had arisen the nation which he had presided over, already become great and factious in its greatness, with a noble birthright, noble virtues, energies and intellect; with great faults and passions, that unchecked, would, as in lusty individual manhood, lead to its ruin.

What was to be the future of that nation? Dark clouds hung over it, dangers threatened it, enemies frowned upon it—the worst enemy was within. License might blast in a few hours the growth of years; faction destroy the careful work of the founders. On this he had left his great solemn charge, like the last warning of a father to his children.

The men who stood round him, the men who had passed away, and whose forms were there in his mind's eye only—Franklin, Morris, the two Adamses, Hancock, Greene, Jay, and that host of compatriots living and dead, honored already as of remote and ancient days, canonized in men's minds, the ancestry of the virtuous of all times, the objects of "hero worship" even in their own generation.

Himself—uneducated son of a farmer in the provinces of a distant empire; wandering surveyor of the Alleghany forests; partisan officer; representative of some revolted colonists in a congress of other like outlaws; leader of an army of half-armed rebels; general, victorious over the tried veterans of Europe; statesman, who had helped to solve the vast problem of government; ruler by acclamation of the youngest-born of all nations, treating with kings and princes as their equal; now sinking back into the great mass of three million individuals, to be no more among them in the eye of the law than any other.

What strifes had he gone through, not least with himself! How had he made passion bend to principle, impulse yield to will; how had he borne misunderstanding, calumny, desertion; withstood temptations; refrained from vengeance; how had he trod firmly the road he had marked out or which destiny assigned, sustained by courage, faith, conscience!

Was it strange that there were few smiles at the last reception day of Washington, or that tears fell from eyes unused to them upon the hand that many pressed for the last time?

CHAPTER X.

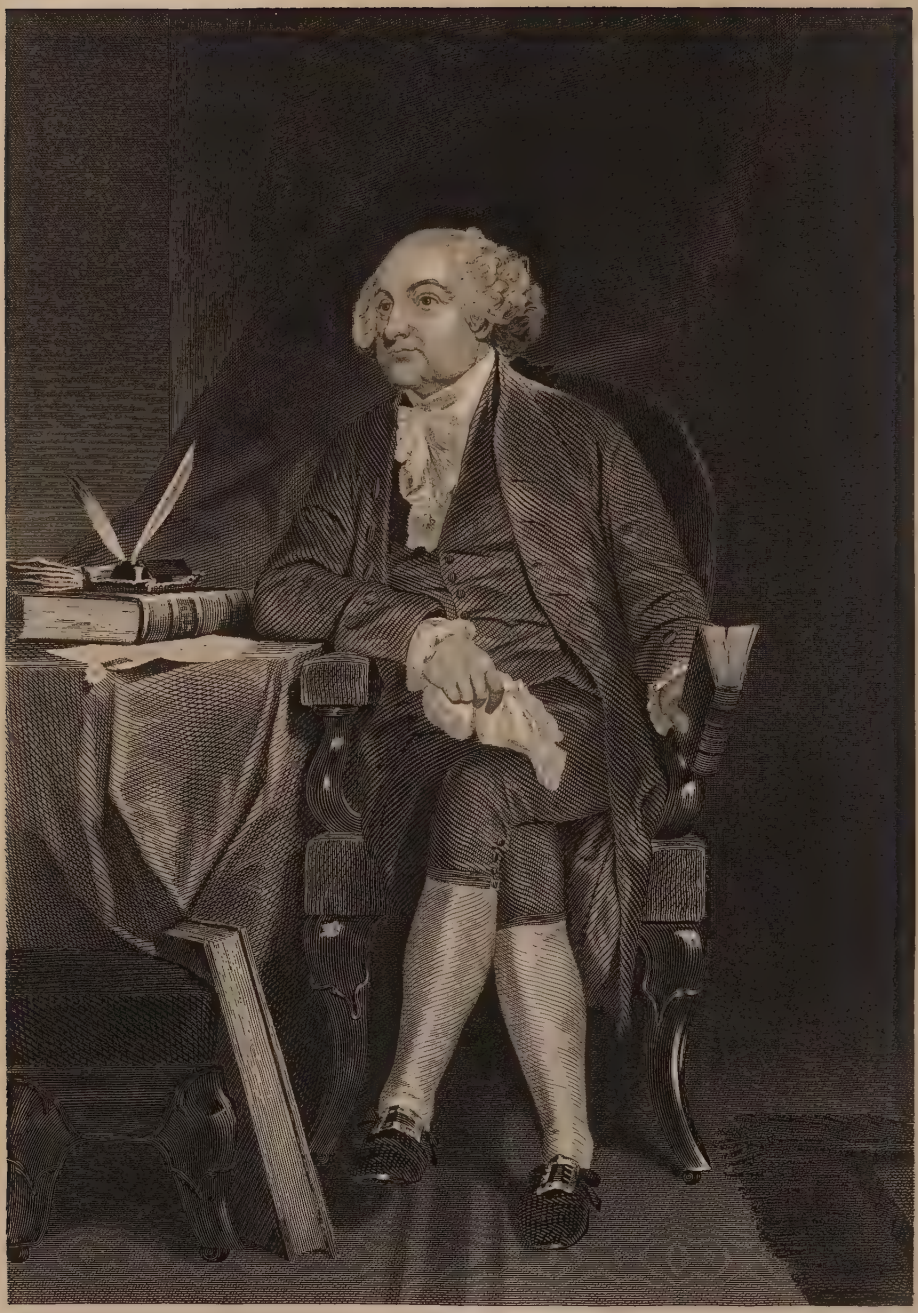
1797-1798.

THE FIRST YEAR OF ADAMS'S ADMINISTRATION.

Inauguration of John Adams — His inaugural address — The cabinet — The president's personal characteristics — French depredations on American commerce — Special session of Congress — The president's speech — Pinckney, Marshall, and Gerry sent as envoys to France — Answers to the president's speech — Acts passed by Congress — The mission to France — Outrageous and insulting course pursued by Talleyrand and the Directory — Course of the American ministers — Total failure of the mission — Congress reassemble in November, 1797 — Speech of the president — The X. Y. Z. papers — Excitement produced — Vigorous measures of Congress for retaliating injuries — Additions to the army — Provisional army authorized — Washington's interest in public affairs — Appointed commander-in-chief — Extracts from his letters — The navy department established — Ships built — Additional funds required — Treaty with France abrogated — The alien and sedition laws — Extract from Jefferson's letter on the position of the republican party — Provisions of the alien act — Provisions of the sedition law — Need of these enactments — Good effects of the passage of the alien law — The sedition law objectionable — John Quincy Adams's remarks on these laws — Various acts of Congress — Its activity and diligence. APPENDIX TO CHAPTER X. I. Harper's speeches, on the Necessity of resisting French Aggressions; and on the Appointment of Foreign Ministers. II. Livingston's speech on the Alien Bill.

It was an interesting scene which was witnessed in the chamber of the House, on the 4th day of March, 1797. The great patriot, who had presided for eight years over the destinies of our country, and without whose presence and character it may be doubted whether the federal government could have been set in motion, and successfully carried forward, this noble and devoted lover of his native land had, at last, obtained his release from public duties, and was now rejoicing to see the government committed to the hands of a worthy successor. That successor was John Adams, a man of undoubted ability and character, and sincerely desirous of conducting affairs after the model set by Washington; but not, unhappily, possessed of that vast influence which he always exercised over the whole people of the United States. Washington had been placed unanimously in the position which he occupied, and towered far above all party distinctions. Adams came into office as the candidate of one of the great parties, and as the president so elected, he was compelled to feel, from the very start, that he and his measures were closely watched by a well organized and very powerful opposition; and also, that his personal characteristics, of which we shall speak presently, laid him open to the insidious approaches of political opponents and rivals, and tended to alienate the confidence and respect of the party which had elected him. It is important to bear these things in mind, in pursuing the course of events under John Adams's administration.

1797.



John Adams

Jefferson had just uttered words of graceful compliment in the Senate, respecting "the eminent character who had preceded him there, whose talents and integrity had been known and revered by him through a long course of years, and had been the foundation of a cordial and uninterrupted friendship between them."* In the chamber of the House were assembled the heads of the departments, the justices of the supreme court, and other dignitaries, with the illustrious WASHINGTON. Adams then rose, and

1797.

delivered his Inaugural address, as follows:

"When it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions, which would certainly arise, concerning the forms of government to be instituted over the whole, and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence, which had so signally protected this country from the first; the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

"The zeal and ardor of the people during the Revolutionary War, supplying the place of government, commanded a degree of order, sufficient at least for the temporary preservation of society. The Confederation, which was early felt to be necessary, was prepared from the models of the Batavian and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had ever considered. But, reflecting

* John Adams was of middle stature, Sullivan tells us, and of full person; and he was "bald on the top of his head." On this occasion, "he was dressed in a full suit of pearl-colored broadcloth; with powdered hair. He wrote to his wife on the day after, that Washington seemed to enjoy a triumph over him. "Methought I heard him say, 'Ay, I am fairly out, and you are fairly in! See which of us will be the happiest.'" From the same entertaining writer, Sullivan, we learn that Jefferson "was a tall man, over six feet in stature; neither full nor thin in body. His limbs were long, and loosely jointed. His hair was of a reddish tinge, combed loosely over the forehead and at the sides, and tied behind. His complexion was light or sandy. His forehead rather high and broad. His eyebrows long and straight; his eyes blue, his cheek-bones high, his face broad beneath his eyes, his chin long, and his mouth large. His dress was a black coat and light under-clothes. He had no polish of manners, but a simplicity and sobriety of deportment. He was quiet and unobtrusive, and yet a stranger would perceive that he was in the presence of one who was not a common man. His manner of conversing was calm and deliberate, and free from all gesticulation; but he spoke like one who considered himself entitled to deference; and as though he measured what he said by some standard of self-complacency. The expression of his face was that of thoughtfulness and observation; and certainly not that of openness and frankness. When speaking, he did not look at his auditor, but cast his eyes towards the ceiling, or anywhere but at the eye of his listener. He had already become a personage of some distinction, and an object of curiosity, even to a very young man."

on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some, who assisted in Congress at the formation of it, that it could not be durable.

"Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals, but in states, soon appeared with their melancholy consequences; universal languor, jealousies, rivalries of states; decline of navigation and commerce; discouragement of necessary manufactures; universal fall in the value of lands and their produce; contempt of public and private faith; loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

"In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations, issued in the present happy constitution of government.

"Employed in the service of my country abroad during the whole course of these transactions, I first saw the Constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as the result of good heads, prompted by good hearts; as an experiment, better adapted to the genius, character, situation, and relations of this nation and country, than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some states, my own native state in particular, had contributed to establish. Claiming a right of suffrage in common with my fellow-citizens in the adoption or rejection of a Constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then nor has been since any objection to it, in my mind, that the executive and Senate were not more permanent. Nor have I entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the state legislatures, according to the Constitution itself, adopt and ordain.

"Returning to the bosom of my country, after a painful separation from it for ten years, I had the honor to be elected to a station under the new order of things, and I have repeatedly laid myself under the most serious obligations to support the Constitution. The operation of it has equalled the

most sanguine expectations of its friends; and from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it, and veneration for it.

"What other form of government, indeed, can so well deserve our esteem and love?

"There may be little solidity in an ancient idea, that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation, more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress —of a government, in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens selected at regular periods by their neighbors, to make and execute laws for the general good. Can any thing essential, any thing more than mere ornament and decoration, be added to this by robes or diamonds? Can authority be more amiable or respectable when it descends from accidents or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people only that are represented: it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours for any length of time, is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the American people. And what object of consideration, more pleasing than this, can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

"In the midst of these pleasing ideas, we should be unfaithful to ourselves, if we should ever lose sight of the danger to our liberties, if any thing partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice, or corruption, the government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves; and candid men will acknowledge, that in such cases choice would have little advantage to boast of over lot or chance.

"Such is the amiable and interesting system of government, (and such are some of the abuses to which it may be exposed,) which the people of America have exhibited to the admiration and

anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people, inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

"In that retirement, which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country which is opening from year to year. His name may be still a rampart, and the knowledge that he lives, a bulwark against all open or secret enemies of his country's peace. His example has been recommended to the imitation of his successors by both Houses of Congress, and by the voice of the legislatures, and the people, throughout the nation.

"On this subject it might become me better to be silent, or to speak with diffidence; but as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that, if a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the Constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual states, and a constant caution and delicacy towards the state governments; if an equal and impartial regard to the rights, interests, honor, and happiness of all the states in the Union, without preference or regard to a northern or southern, eastern or western position, their various political opinions on essential points, or their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion among all classes of the people, not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but, as the only means of preserving our Constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity, in the interior administration; if an inclination to improve agriculture, commerce, and manufactures, for necessity, convenience, and defence; if a spirit of equity and humanity towards the aboriginal nations of America, and a disposition to meliorate their condition, by inclining them

to be more friendly to us, and our citizens to be more friendly to them: if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe, which has been adopted by the government, and so solemnly sanctioned by both Houses of Congress, and applauded by the legislatures of the states and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship, which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens by whatever nation, and if success cannot be obtained, to lay the facts before the legislature, that they may consider what further measures the honor and interest of the government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times, and to all nations, and maintain peace, friendship, and benevolence, with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country, and of my own duties towards it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured but exalted by experience and age, and, with humble reverence, I feel it my duty to add, if a veneration for the religion of a people, who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two Houses shall not be without effect.

"With this great example before me; with the sense and spirit, the faith and honor, the duty and interest of the same American people, pledged to support the Constitution of the United States; I entertain no doubt of its continuance in all its energy; and my mind is prepared without hesitation, to lay myself under the most solemn obligations to support it, to the utmost of my power.

"And may that Being, who is supreme over all, the Patron of order, the Fountain of justice, and the Protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration consistent with the ends of his providence."

The oath of office was then administered to Adams by the chief justice of the supreme court, and he entered upon

his four years of service, with sanguine hope of favorable result. Not anxious for changes in the cabinet, and trusting that he and its members would be able to labor together harmoniously and effectively, he continued the same gentlemen in office who had served under Washington; but it was not long before elements of discord were found to exist between the president and his constitutional advisers. Pickering, the secretary of state, was a man of inflexible integrity, but rather disposed to obstinacy, a little rough in manner, and somewhat irascible. Both he and Wolcott, the secretary of the treasury, were inclined to be governed a good deal in their views of public affairs at home and abroad, by the opinions and sentiments of Hamilton, a man whom Adams regarded with much jealousy and some suspicion, and who, the grandson of the second president endeavors to substantiate, was at the bottom of most of the trials and difficulties which Adams met with in his new position. The other members of the cabinet, M'Henry and Lee, were federalists, and respectable men; but they, too, soon found points of difference between the course advised by the president and that which they judged most expedient and proper.

The second president was undoubtedly a man of ability and purity of character; but he was also quick, inflammable, sanguine, impatient of opposition, and desirous of popular applause. Mr. Gibbs speaks in much stronger terms of his fickleness and irritability, his obstinacy and inconsistency, his inordinate vanity, and the like; and declares that his administration was devoid of rule or precise object. 1797.
Mr. C. F. Adams, in his life of his grandfather, presents John Adams in a far more favorable light, as "a wise, an energetic, an independent, and an honest president." He considers that the president was badly used by the federal party, especially in consequence of the preponderating influence of Alexander Hamilton, and claiming to have "analyzed with calmness and observed with fidelity," he has furnished a narrative of the presidential career of John Adams which both deserves and will repay a careful examination.*

The position of affairs with respect to France, on Adams's accession to the presidency, was by no means free from difficulty and danger. We have spoken on a previous page (see p. 386) of the appointment of General Pinckney as minister-plenipotentiary to France, and of the haughty and insulting conduct of the Directory towards this gentleman. Virtually driven out of France, the American minister waited at Amsterdam for instructions as to his future course. These outrages on the representative of the United States, and the systematic plundering of our commerce by French vessels, rendered it imperative to take some action on the subject

* Both Mr. Gibbs and Mr. C. F. Adams confess, that the materials for forming a correct judgment are few, not readily accessible, and largely imperfect. The student of history will compare and contrast the volumes just referred to, and, weighing carefully the evidence as far as it is yet before the public, will endeavor to obtain a just and right view of the last years of power of the federal party.

without delay. Accordingly, on the 25th of March, the president issued his proclamation for the meeting of Congress, on the 15th of May. 1797.

The president delivered a firm and dignified speech at the commencement of the session, and in a manly way he gave utterance to the feelings which must rouse every American's spirit under great and unprovoked outrage from a foreign government. The speech expressed a sincere desire for peace, and the intentions of the executive to renew negotiations to preserve it; but while he hoped to secure peace, he earnestly recommended Congress to provide effectual measures of defence in case resort to arms should become necessary.

Three envoys were appointed by the president, General Pinckney, John Marshall, and Elbridge Gerry.* They were instructed to endeavor to procure peace and reconciliation by all means compatible with the honor and faith of the United States; but no national engagements were to be impaired; no innovation to be permitted upon those internal regulations for the preservation of peace which had been deliberately and uprightly established; nor were the rights of the government to be surrendered.

The Senate returned a cordial answer to the president's speech; but in the House a long and vehement debate sprang up in framing a suitable answer. On the 3d of June, however, despite the efforts of the opposition, an answer was agreed to, by a vote of sixty-two to thirty-six, and gave Mr. Adams the assurance that the sentiments of the legislature accorded with his own on all the points of importance to which he had called their attention.* 1797

Having discharged this duty, the House went into a committee of the whole on the state of the Union; and new propositions, embodying the recommendations of the president's speech, or suggested by them, were, during the remainder of the session, from time to time, at large discussed. Part only of the measures proposed were adopted. Acts were passed, prohibiting citizens of the United States from privateering against nations in amity with the United States; forbidding the export of arms and ammunition, and encouraging the import of them, for a limited and specified period; providing for the further defence of the ports and harbors of the country; providing a naval armament; authorizing a detachment of the militia;

* Mr. Gibbs (vol. i., p. 519) calls attention to the fact that up to this time no personal collisions had taken place between the president and his cabinet. "None of the causes which afterwards interrupted the harmony between them existed. On the part of the secretaries there was perfect good-will towards the chief magistrate, and a sincere disposition to render his administration successful. . . . . It has been intimated that the desire of the secretaries improperly to control the president on this occasion was the origin of their dissensions. The assertion is untrue. In regard to Mr. Gerry's nomination, though it shook the confidence of those officers in Mr. Adams's discretion, it produced no personal ill-feeling; nor did they otherwise attempt to direct him than by withholding an approbation they could not give."

* See Benton's "*Abridgement of the Debates of Congress*," vol. ii., pp. 123–44. For some passages from the able speech of Mr. R. G. Harper, in the House, May 29th, 1797, on the necessity of resisting the aggressions and encroachments of France, see Appendix I., at the end of the present chapter.

and concerning the registering of American ships. Other bills, relating to the provisional army, the increase of the artillery, the organizing of the militia, preventing the arming of private ships, and the voluntary enlistment of United States' citizens into the service of foreign states, except under certain restrictions, together with some bills for providing for the expenses, both ordinary and extraordinary, were either put off till the next session, or failed to pass in one or both Houses. An act was passed laying duties on stamped vellum, parchment, and paper, which, on account of its title principally, was decidedly unpopular, and an additional duty was imposed on salt imported into the United States. A loan of $800,000 was also authorized, and various additional appropriations were made for the expenses of the government during 1797. On the 10th of July, Congress adjourned to the second Monday in November.

The American envoys having joined General Pinckney, they reached Paris on the 4th of October, and immediately endeavored to enter upon the work set before them. High-minded and honorable men themselves, they hoped to be met by men of similar stamp, and to be allowed to discharge their responsible duties promptly and satisfactorily. But, it is painful to state, as we do in the words of John Marshall, that "history will scarcely furnish the example of a nation not absolutely degraded, which has received from a foreign power such open contumely and undisguised insult, as were, on this occasion, suffered by the United States, in the persons of their ministers." On the 8th of October, the envoys waited upon Talleyrand, the minister for foreign affairs, and delivered their letters of credence. This wily and unscrupulous diplomatist, who, like most of his compeers of that day, displayed quite as much ignorance as insolence in dealing with America and American interests, coolly informed the envoys, that, by order of the Directory, he was preparing a report upon the existing relations of the United States with France, and that, when it was finished, he would tell them what steps were to follow.

1797.

Some days after, the secretary of Talleyrand informed them, that the Directory were exasperated at certain parts of the president's speech to Congress, which must be satisfactorily explained; and that they would not be received at a public audience. The minister of foreign affairs would, however, open negotiations with them through a channel adapted to accomplish his purposes. Three agents, M. Hottinguer, M. Bellamy, and M. Hauteval, designated by the initials X. Y. Z., waited upon the American envoys, and disclosed the plans and expectations of Talleyrand. Into the details, we need not enter; the substance of the whole may be expressed by one word, MONEY. Talleyrand's cupidity, the Directory's cupidity, the national cupidity, must be satisfied. Give money, plenty of money, was the cry; give money, and we will soon settle matters; refuse to give, and we will visit upon you the displeasure of victorious France. Talleyrand wanted

1797.

only some $250,000 for his private disposal. The Directory would prove gracious if some $13,000,000 were loaned, that is, given to them; and they seemed to have supposed that the American people, like whipped curs, would submit to such mean and debasing propositions!

The envoys listened to these things, to see what might be the intentions of France; but at the close of October, they returned an indignant refusal to accede to any thing of the sort. Still the agents of Talleyrand continued at work. The victorious career of the French army induced them to try to work upon the fears of the American ministers. The immense power of France was painted in gorgeous colors; the humiliation of Austria was boasted of; and the conquest of Great Britain confidently predicted. France alone, they said, could preserve America, and it was arrogantly pointed out, that the United States ought to take warning by the fate of Venice. They need not, likewise, look for approval at home, for the Directory were far more powerful there than they believed, and they would use their power without scruple.

On the first of November the envoys resolved to hold no more indirect intercourse with the government, and endeavored, though unsuccessfully, to obtain an official recognition. Talleyrand, with strange pertinacity, on various occasions when he met the envoys unofficially, renewed the demands for money which his agents had pressed without success.

Finding the objections to their reception in an official character insurmountable, the envoys, as Marshall states, addressed a letter to the minister for foreign affairs, in which they entered at large into the explanations committed to them by their government, and illustrated, by a variety of facts, the uniform friendliness of its conduct to France.* But the Directory counted too confidently on its influence in America to desist from its course. Notwithstanding the failure of this effort, and their perfect conviction that all further attempts would be equally unavailing, the envoys continued, with a passiveness which must search for its apology in their solicitude to demonstrate the real views of the French republic, to employ the only means in their power to avert the rupture which was threatened, and which appeared to be inevitable. During these transactions, occasion was repeatedly taken to insult the American government. Open war was waged by the cruisers of France on American commerce; and the flag of the United States was a sufficient justification for the capture and condemnation of any vessel over which it waved. **1798.**

At length, when the demonstration had become complete, that the resolution of the American envoys was not less fixed than their conduct had been guarded and temperate, various attempts were made to induce Pinckney and Marshall voluntarily to relinquish their station; studied indignities were

* This document which, it is understood, was prepared by John Marshall, Mr. Gibbs pronounces to be "a monument in the diplomacy of America." It was sent to Talleyrand at the close of January, 1798.

heaped upon them; and they were finally ordered to quit the territory of France. As if to aggravate this national insult, Talleyrand, in a memorable letter of the 18th of March, used these words: "The Executive Directory is disposed to treat with that one of the three, whose opinions, presumed to be more impartial, promise, in the course of the explanations, more of that reciprocal confidence which is indispensable." Mr. Gerry, whom the wily minister believed he could make use of, was invited to remain; and he did remain, under a threat, as he stated subsequently, that if he too took his departure, immediate war would be the consequence. Gerry's colleagues left Paris in April, and returned home to give an account of the total failure of their mission. Mr. Gerry, after spending some months longer in Paris to no purpose, left France, and made his way back again to the United States.*

Congress had adjourned to the second Monday in November, but it was not till the 23d of the month that a sufficient number of Senators and Representatives assembled at Philadelphia, to permit a commencement to be made of public business; for "a contagious sickness," as the president said in his opening speech, "afflicted the city" so greatly, that he was "apprehensive that it would be necessary to convene the national legislature in some other place."* The foreign affairs of the country, at that time in a critical position as respected France, necessarily occupied the principal share of the president's attention. He could only mention the arrival of the special mission in France; and he was compelled to tell of "increasing depredations" upon the commerce of the Union; the importance of which he rightly appreciated. 1797.

"The commerce of the United States," said he, "is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits of the people are highly commercial. Their cities have been formed and exist upon commerce. Our agriculture, fisheries, arts, and manufactures, are connected with and depend upon it. In short, commerce has made this country what it is; and it cannot be destroyed or neglected, without involving the people in poverty and distress. Great numbers are directly and solely supported by navigation. The faith of society is pledged for the preservation of the right of commercial and seafaring, no less than of the other citizens. Under this view of our affairs,

* During the whole time of his stay, after his colleagues left, though refusing to undertake to treat with the government, Mr. Gerry, as Gibbs states, (vol. ii. p. 149,) "was engaged in a controversy with Talleyrand, in which every manner of insult was heaped by that functionary upon himself and his country, in which his credulity was ridiculed, his understanding derided, and even his veracity impugned; a controversy in which his only object seemed to be, to obtain the last word, or to get the better of his adversary in florid professions of the amicable disposition of their respective governments." Mr. Gerry arrived in the United States on the 1st of October, 1798. The grandson of John Adams (vol. i., p. 532) gives a view of this matter much more favorable to Mr. Gerry and his proceedings.

* Andrew Jackson took his seat at this time as Senator from Tennessee.

I should hold myself guilty of a neglect of duty, if I forbore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture for defence, as the only sure means of preserving both."

The progress of the Spanish negotiations, the signs of the renewal of Indian hostilities, the proceedings of the commissioners under the British treaty, and the steps made requisite by "the numerous captures of American vessels by the cruisers of the French republic," were in turn spoken of, and an amendment of "the consular act" was recommended, especially as "some foreign vessels had been discovered sailing under the flag of the United States, and with forged papers." Urging upon their attention the necessity of providing for the support of government, the president assured Congress of the "zealous and hearty concurrence" of the executive in all measures, wisely and firmly devised, for "the honor, safety, and prosperity of their country."

The answers of the two Houses manifested the strength of the federal party in the Senate, and of the opposition in the House; and the various topics urged upon them by the president received prompt attention. It was at the beginning of March, 1798, while Congress were discussing the question of permitting merchant vessels to arm for their own defence, that dis- **1798.** patches from our envoys in France reached the seat of government. The president promptly communicated by message the information just received; and the French decree of January 8th, condemning as prizes all neutral vessels having on board merchandize and commodities produced in England, excited wide-spread sensation in the mercantile community. The president urged upon Congress the importance of active and vigorous preparations for defending national rights and honor.

A debate sprang up in the House on the relations with France, the opposition desiring to stave off the evident necessity of considering the near approach of war. Before obtaining a vote on the question as to the inexpediency of hostilities with France, the dispatches, which had been sent home in cypher, were translated, and, on a call for them, the famous X. Y. Z. papers were transmitted to Congress. By a resolution of both Houses, they were circulated throughout the country,* and speedily roused the spirit of the whole people. The shameful terms on which, alone, it was but too plain, the friendship of France was to be maintained, were indignantly repudiated. Pinckney's expression, "Millions for defence, not a cent for tribute," became a rallying cry throughout the Union. The old black cockade for the soldiers of liberty, was **1798.**

* It is a fact worth noticing, that Talleyrand's answer to the able letter of the American envoys, an answer criminating the American government in the most bitter and outrageous terms, was in possession of the printer of the "Aurora," before it reached the president of the United States! This contemptible trick of a partisan press to spread before the people the insolence of Talleyrand, without the effective and complete rejoinder and memorial of the envoys, rendered it necessary that Congress should print the papers, as they did, to good purpose.

mounted again, and Hopkinson and R. T. Paine gave fresh impulse to the national enthusiasm by their songs, "Hail Columbia!" and "Adams and Liberty." Loyal and patriotic addresses were poured in upon the president; and there was no room to doubt that the people would, as one man, repel every invader from the soil.

The disposition still existed, it is true, among the leaders of party, to justify France by throwing the blame upon their own country; by asserting that her intentions were not hostile, but quite the reverse; that even admitting it to be otherwise, she was only demanding those marks of friendship which at a critical moment she had herself afforded; that the real interests of the United States required a compliance with her demands; that resistance would certainly result in defeat; and such like. But neither these sentiments, nor the arguments of the party, accorded with the prevailing feeling; and it required, as Marshall says, the co-operation of other causes to re-establish the influence of those who urged them.*

In Congress vigorous measures were adopted for retaliating injuries which had been sustained, and for repelling those which had been threatened. Amongst these was a regular army. A regiment of artillerists and engineers was added to the permanent establishment; and the president was authorized to raise twelve additional regiments of infantry, and one regiment of cavalry, to serve during the continuance of the existing differences with France, if not sooner discharged. He was also authorized to appoint officers for a provisional army, and to receive and organize volunteer corps, who should be exempt from ordinary militia duty; but neither the volunteers nor the officers of the provisional army were to receive pay, unless called into actual service. The act authorizing the raising of a provisional army was passed at the close of the month of May, 1798. In the midst of the excitement of preparation for what seemed to be near at hand, John Marshall, in June, arrived in the United States, and brought with him the news of the indignities to which he and his colleagues had been subjected. On the 21st of June, the president sent a brief message to the House, with some documents on the subject of the French negotiations, concluding it in words which were subsequently remembered to the president's disadvantage: "I will never send another minister to France, without assurances that he will be received, respected and honored, as the representative of a great, free, powerful, and independent nation." 1798.

* Mr. Tucker, who is a staunch friend and advocate of the third president as a politician and a man, cannot but reprehend Jefferson's bitterness of party spirit in regard to the French outrages on our ambassadors. "It must be admitted," he says, (vol. ii. p. 43,) "that if Mr. Jefferson experienced the most virulent hatred, and the most unfounded calumny of his adversaries, he was, occasionally, not far behind them in credulity and injustice, and that he did not hesitate to attribute to them purposes which no honest mind could form, and no rational mind would attempt." Rather a doubtful compliment this, to the subject of his biography: we could wish that there was not too much ground for censure of the political partisanship of the day.

Washington, we may be sure, was no unconcerned spectator of the progress of events. Though devoted to agricultural pursuits, and withdrawn from the busy world, no circumstance affecting the welfare of his beloved country was without interest to him. He heard with deep indignation, as well as profound regret, of the insults of the Directory, and of the depredations upon American commerce; and he approved entirely the vigorous measures recommended for the defence of the country. Of course, as soon as it was foreseen that a resort to arms might be necessary, all eyes were turned upon Washington, as the only man who could be placed at the head of the army. Letters from Hamilton, and other friends, poured in upon him, urging that he should accept the command. To one from the president, under date of June 22d, in which he said, "We must have your name if you will in any case permit us to use it; there will be more efficacy in it than in many an army;" Washington replied, soon after, as follows: "At the epoch of my retirement, an invasion of these states by any European power, or even the probability of such an event in my days, was so far from being contemplated by me, that I had no conception either that, or any other occurrence, would arrive in so short a period, which could turn my eyes from the shades of Mount Vernon. But this seems to be the age of wonders; and it is reserved for intoxicated and lawless France, (for purposes far beyond the reach of human ken,) to slaughter her own citizens, and to disturb the repose of all the world besides.

1798.

"From a view of the past—from the prospect of the present—and of that which seems to be expected, it is not easy for me to decide satisfactorily on the part it might best become me to act. In case of actual invasion by a formidable force, I certainly should not entrench myself under the cover of age and retirement, if my services should be required by my country to assist in repelling it. And if there be good cause to expect such an event, which certainly must be better known to the government than to private citizens, delay in preparing for it may be dangerous, improper, and not to be justified by prudence. The uncertainty, however, of the latter, in my mind, creates my embarrassment; for I cannot bring it to believe, regardless as the French are of treaties and of the laws of nations, and capable as I conceive them to be of any species of despotism and injustice, that they will attempt to invade this country, after such a uniform and unequivocal expression of the determination of the people in all parts to oppose them with their lives and fortunes. That they have been led to believe by their agents and partisans among us, that we are a divided people; that the latter are opposed to their own government; and that the show of a small force would occasion a revolt, I have no doubt; and how far these men (grown desperate) will further attempt to deceive, and may succeed in keeping up the deception, is problematical. Without that, the folly of the Direc-

1798.

tory in such an attempt would, I conceive, be more conspicuous, if possible, than their wickedness.

"Having with candor made this disclosure of the state of my mind, it remains only for me to add, that to those who know me best it is best known, that should imperious circumstances induce me to exchange once more the smooth paths of retirement for the thorny ways of public life, at a period too when repose is more congenial to nature, that it would be productive of sensations which can be more easily conceived than expressed."

Washington also wrote to the secretary of war, offering his best counsels, and suggesting the wisest course to be adopted in such a crisis. But before his letters arrived at the seat of government, Adams had nominated him commander-in-chief of the armies of the United States, and the Senate, on July the 3d, 1798, unanimously confirmed the choice. Mr. M'Henry, the secretary of war, was dispatched in person to Mount Vernon, as the bearer of the commission.

Washington accepted the appointment, as Mr. Sparks states, with two reservations; first, that the principal officers should be such as he approved; secondly, that he should not be called into the field, till the army was in a condition to require his presence, or till it became necessary by the urgency of circumstances. He added, however, that he did not mean to withhold any assistance he could afford in arranging and organizing the army; and in conformity with the rule he had always followed, he declined receiving any part of the emoluments annexed to his appointment, until he should be in a situation to incur expense. "Believe me, sir," were some of his weighty words to the president, in the letter accepting the appointment of lieutenant-general of the army, "no one can more cordially approve of the wise and prudent measures of your administration. They ought to inspire universal confidence, and will, no doubt, combined with the state of things, call from Congress such laws and means as will enable you to meet the full force and extent of the crisis. Satisfied, therefore, that you have sincerely wished and endeavored to avert war, and exhausted, to the last drop, the cup of reconciliation, we can with pure hearts appeal to Heaven for the justice of our cause; and may confidently trust the final result to that kind Providence who has heretofore, and so often, signally favored the people of these United States."

Congress, meanwhile, were actively engaged upon the various questions which required attention at their hands. Measures of immediate importance were proposed, were earnestly discussed, and were, in substance, adopted. On a previous page, (p. 424,) we have spoken of the steps taken to raise and officer a suitable land force, in case of an attempted invasion by the French. Previously to this, one of the most important measures of Adams's administration was urged upon Congress, we mean the establishing the department of the navy. Heretofore, matters relating to the maritime force and service of the

United States had been committed principally to the secretary of war, and in part to some of the officers of the treasury department; but now that an increased naval force was demanded, in the present position of affairs as respected France, the placing of naval matters in charge of a separate department became in every point of view necessary. At the close of April, by a vote of forty-seven to forty-one, the republican party opposing the bill, the navy department was created. The secretaryship was offered to George Cabot of Massachusetts, who was excellently qualified for the post; on his declining the appointment, Benjamin Stoddert of Maryland became, May 21st, the first secretary of the navy. Referring to Cooper's "Naval History" for particulars, we may here state, that the United States, 44, was the first vessel that was got into the water under the present organization of the navy. She was launched at Philadelphia on the 10th of July, and the Constellation, 38, followed her on the 7th of September. "The whole force authorized by law, on the 16th of July, consisted of twelve frigates; twelve ships of a force between twenty and twenty-four guns inclusive; and six smaller sloops, besides galleys and revenue cutters; making a total of thirty active cruisers."*

1798.

To meet the expenses incident to placing the country in a state of defence, and the creation of a navy, additional funds became necessary. The committee of ways and means took up the subject; called upon the secretary of the treasury for information as to the sums probably required, and the state of the finances; and reported, on the 1st of May, that it was necessary to raise some $2,000,000 by a direct tax on lands, houses, and slaves. Bills were subsequently brought in for the valuation of lands and houses, and the enumeration of slaves, and to lay and collect a direct tax upon those objects. It was not, however, till July, that authority was given to the president to borrow $2,000,000 in anticipation of the amount. "To answer present exigencies, another act was passed, enabling the president to borrow $5,000,000 for the public service, on the most advantageous terms which could be obtained, the stock issued for the loan to be reimbursible at the end of fifteen years, and the moneys to be applied to make up the deficiencies in the appropriations, and defray the expenses of national defence. For the payment of interest and the reimbursement of principal, the surplus of import and tonnage duties was bound, and the faith of the United States pledged to provide permanent revenues for any deficiency."*

1798.

On the 7th of July, an act was passed to declare the treaties heretofore concluded with France, no longer obligatory on the United States. The reasons assigned in the preamble are,

* Cooper's "*Naval History*," vol. i., pp. 152, 53.

* Gibbs's "*Administrations of Washington and Adams*," vol. ii., p. 67. Mr. Gibbs also states, that the certificates of stock under this act were not issued until 1799, and that the stock is known in the financial history of the country as "the navy six per cents."

that those treaties had been repeatedly violated on the part of the French government; that the first claims of the United States for the reparation of those injuries had been refused, and their attempts to negotiate an amicable adjustment of all complaints between the two nations repelled with indignity; and that, under authority of the French government, there was yet pursued against the United States a system of predatory violence, infracting the said treaties, and hostile to the rights of a free and independent nation.

It was during this session of Congress that those acts were passed which caused John Adams's administration to be stigmatized in the severest terms, and which, no doubt, hastened the downfall of the federal party; we refer to the acts of the 18th of June, amending the previous naturalization laws, and requiring a residence of fourteen years in order to become a citizen; that of June 25th, entitled an act concerning aliens; that of July 6th, concerning alien enemies; and that of July 14th, "in addition to the act for the punishment of certain crimes against the United States." The last three of these acts are what are commonly known as the *alien and sedition laws*. Some further notice of these laws seems to be demanded in this place, as due alike to the administration of John Adams, and the object they were intended to accomplish. 1798.

The republican party in Congress had lost ground, as we have before stated, in consequence of the result of the French mission, and some of the members had retired from active duty, waiting a favorable opportunity to bring their views of state power and influence to bear upon public affairs. Under date of April 26th, writing to Madison of the present position of matters, when the democratic members, acting upon a significant hint of the vice-president, had "gone home to consult their constituents," Jefferson says; "In this state of things, they (the federalists) will carry what they please. One of the war party, in a fit of unguarded passion, declared some time ago they would pass a citizen bill, an alien bill, and a sedition bill. Accordingly, some days ago, Coit laid a motion on the table of the House of Representatives, for modifying the citizen law. Their threats pointed at Gallatin, and it is believed they will endeavor to reach him by this bill. Yesterday, Mr. Hillhouse laid on the table of the Senate a motion for giving power to send away suspected aliens. This is understood to be meant for Volney and Collot; but it will not stop there when it gets into a course of execution. There is now only wanting, to accomplish the whole declaration before mentioned, a sedition bill, which we shall certainly see proposed. The object of that is the suppression of the whig presses. Bache's has been particularly named. That paper, and also Carey's, totter for want of subscriptions. We should really exert ourselves to procure them, for if these papers fall, republicanism will be entirely brow-beaten." 1798.

We have quoted Jefferson as giving a good idea of what he supposed the

federalists would undertake to do, and what objects they had in view by the course which they had prescribed to themselves. We ask the reader to observe carefully just what was done at the time, and also how far it was called for by the existing state of things in the United States.

By the acts respecting aliens, it was provided, that a register of resident aliens should be kept; and they were required, under specified penalties, to report themselves to particular officers, at certain times; it was also made lawful for the president to order all such aliens as he judged to be dangerous to quit the territory of the United States, within a limited time; and in case any alien, having received such an order, should be found in the United States, and at large, after the term named, he might be imprisoned for three years, or a shorter period, and be declared incapable of ever becoming a citizen of the United States; and after declaration of war, or in case of invasion, citizens of the hostile nation, on proclamation by the president, might be imprisoned or sent out of the country. "As this law respecting aliens was made at the suggestion of the president,"* says Sullivan, "it furnished a new and prolific theme of reproach. It was called by the opposition, a *British* measure; a servile copying of the forms of kingly despotism; and an incontestable proof of design to assimilate our government to that of England, and eventually to arrive at monarchy." The Virginians insisted that the power committed to the president by these acts would be exercised to the injury of *native citizens;* notwithstanding the express limitation of the provisions to *aliens.* And it has been remarked, that "the clamor against this law undoubtedly had a tendency to impair the president's popularity; though it is not recollected to have been carried into effect *in a single instance.*"

The "sedition law," as it is called, provided that *unlawful* combination against, or opposition to, properly authorized measures of the government, or laws of the United States, or intimidation of any officer of government, should be punished as a high misdemeanor, by a fine not exceeding $5,000, imprisonment of not less than half a year nor more than five years, and binding to good behavior as the court should determine; and that the publication of libels against the government, the Houses of Congress, or the president, to bring them into contempt, and to hinder the execution of the laws, or assist the designs of enemies of the country, should in the same way be punished by a fine of not more than $2,000, and imprisonment for not more than two years.* Its original form had differed somewhat from this. For it could not be expected that either Sen-

* Mr. C. F. Adams (pp. 560–62) asserts, that his grandfather had no hand in suggesting, or procuring the passage of the alien and sedition laws.

* There were at this date, two hundred newspapers published in the United States. About twenty of these were in favor of the republican party's views and tactics, and were nearly all of them under the control of aliens. The remaining one hundred and eighty advocated the policy and measures of the administration.

ate or Representatives should consent to too accurate a definition of "treason" by statute, or to the rendering criminal, in that way, the "misprision of treason;" nor that they should convert into an offence, punishable by law, the justification of the hostilities of the French. In the Senate it passed finally by twelve votes against six; but in the House, by the small majority of forty-four over forty-one. And its operation was limited to the term of two years. 1798.

Such, in substance, were the alien and sedition laws; and, in view of the actual state of things, it does not seem surprising, that the ruling majority in Congress were provoked into enacting laws and regulations of the kind. The country swarmed with spies and secret agents. Foreign emissaries and fugitives from justice were actively employed in stirring up internal dissensions. There were some thirty thousand Frenchmen in the United States, numbers of whom were in the pay of the Directory, and busily at work to accomplish its ends. The number of British subjects was still greater, and these, with thousands of the United Irishmen, and of German emigrants, were organized into associations hostile to the government. In point of numbers, and in daring, factious disregard of the laws, these aliens were naturally a source of alarm to all classes of Americans who had the welfare of their country at heart. They abused the freedom of the press by traducing the characters of the administration and its supporters, in the vilest manner, and by instigating the resistance of the people against the government and the laws of the Union.

The good effects of the alien acts were visible even before their passage, in the flight of some of the most notorious disturbers of the peace. "The threatening appearances from the alien bills," said Jefferson, "have so alarmed the French who are among us, that they are going off. A ship, chartered for this purpose, will sail within a fortnight, for France, with as many as she can carry. Among these, I believe, will be Volney, who has in truth been the principal object aimed at by the law." Another of these was Collot, who had signalized himself in the spring of 1796. The passage of these laws, as Mr. Gibbs states, was in fact their only execution.

The main objection, however, was to the sedition law. This, which was charged with abridging the freedom of the press, was most narrowly scanned, and the law respecting aliens, as Tucker says, "was condemned by most Americans, like the stork in the fable, for the society in which it was found, and for the sake of soothing the great mass of foreigners, who were not yet naturalized, the greater part of whom, particularly the Irish and the French, were attached to the republican party." Unquestionably, this law afforded abundant opportunity for attack to the opposition; and no measure more unwise could possibly be ventured upon by any political party in our country, than one which either does restrain, or only appears to restrain, the fullest liberty of the press. The republicans availed themselves of the opening thus 1798.

presented, and assailed the administration with great force and pungency.

On the whole, however strong the arguments which may be urged in favor or in condemnation of these enactments, we think that the language of John Quincy Adams expresses all that need be said upon the subject. "If Jefferson and Madison deemed the alien and sedition acts plain and palpable infractions of the Constitution, Washington and Patrick Henry held them to be good and wholesome laws. These opinions were perhaps all formed under excitements and prepossessions which detract from the weight of the highest authority. The alien act was passed under feelings of honest indignation at the audacity with which foreign emissaries were practising within the bosom of the country upon the passions of the people against their own government. The sedition act was intended as a curb upon the publication of malicious and incendiary slander upon the president, or the two Houses of Congress, or either of them. But they were restrictive upon the personal liberty of foreign emissaries, and upon the political licentiousness of the press. The alien act produced its effect by its mere enactment, in the departure from the country of the most obnoxious foreigners, and the power conferred upon it by the president was never exercised. The prosecutions under the sedition act did but aggravate the evil which they were intended to repress. Without believing that either of those laws was an infraction of the Constitution, it may be admitted, without disparagement to the authority of Washington and Henry, or of the Congress which framed the acts, that they were not good and wholesome laws, inasmuch as they were not suited to the temper of the people."*

In addition to the subjects we have noted in the present chapter as debated and acted upon, during the second session of the fifth Congress, we may call the attention of the reader to the memorial of the Quakers on the subject of slavery, November, 1797; the acts of limitation to claims against the government, December, 1797; the annuity to the daughters of the Count de Grasse, January, 1798; the foreign diplomatic intercourse bill, January, 1798;† the case of Matthew Lyon and Roger Griswold for breach of privilege and a disgraceful fracas in the House, February, 1798; the debate on the Mississippi Territory and the prohibition of slavery, in accordance with the famous ordinance of 1787, March, 1798; the capture of French armed vessels, and suspending commercial intercourse with France, July, 1798; etc. For the debates on these topics, the reader must consult Mr. Benton's work, vol. ii., pp. 183–320.

Some notion of the activity and diligence of Congress during the present session may be formed, by aid of the

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* "*Life of James Madison*," p. 73. For an extract from Mr. Edward Livingston's speech in the House, June 19th, on the alien bill, see Appendix II., at the end of the present chapter.

† For an extract from the long and able speech of Mr. Robert G. Harper, on the constitutional powers of the president and Senate relative to the appointment of foreign ministers, delivered in the House, March 2d, 1798, see Appendix I., at the end of the present chapter.

fact, that eighty-five acts were passed, in all; and that beside those bearing upon and arising from the dispute with France, was one postponing the imposition of the stamp duties, to which unexpected opposition had arisen; another, establishing marine hospitals at various ports, by means of a trifling sum deducted monthly from the wages of seamen in every branch of the service; and a third, by which "any person imprisoned upon execution issuing from any court of the United States, for a debt due to the same, might procure his freedom by application in writing to the secretary of the treasury, stating the circumstances of the case, and his inability to discharge the debt, provided there was proof sufficient of the truth of the debtor's statements."

On the 19th of July, Congress closed its busy session, and adjourned till the first Monday in the following December.

APPENDIX TO CHAPTER X.

I. MR. R. G. HARPER'S SPEECHES.

1. ON THE NECESSITY OF RESISTING FRENCH AGGRESSIONS.

Some gentlemen have supported this amendment on the ground, that it will give confidence to the people of this country in the executive; and one gentleman from Virginia, (Mr. Nicholas,) has gone so far as to say, that the people of this country will not support the government, unless its measures are right. Admitting this opinion to be true, (and I am inclined to think it may be,) still it will remain to be inquired, by what means and on what standard the people would form their opinion of the propriety and wisdom of the measures pursued by their government. Not certainly from the declarations of that gentleman or his friends; because there has not been one measure adopted by the government, since its formation, which they have not opposed in the House and out of it, on which they have not set the stamp of their most decided censure; and yet, sir, we have seen all these measures supported and approved of by the people. We have seen the late president, who was in a peculiar manner the author of them, under whose auspices they were adopted and established, in spite of the most violent and persevering opposition from these very gentlemen—we have seen him surrounded with applauses, with gratitude and with thanks, from every quarter of the Union; we have seen the wisdom and firmness of his administration made one very principal ground of these thanks and applauses; and even in a former House of Representatives, where the principles of these gentlemen did so greatly preponderate, when they moved to strike out of an address to this great man a clause expressly approving his administration, as wise, firm and greatly beneficial to his country, the motion was overruled by a very large majority; and when the address itself, containing this obnoxious clause, was put to the vote, it passed with only twelve nays. Yet gentlemen talk to us, as if they were the standard by which the people would measure the conduct of government! Sir, the people are not truly estimated by those gentlemen. They are not the blind, ignorant herd which those gentlemen take them to be. They will do in future what they have always done heretofore—they will judge of the measures of government by the measures themselves, and by the just confidence which they have long placed in those whom they have appointed to administer it; not by the opinions or invectives of this or that set of men, either on this floor or

out of doors. Gentlemen ought to be admonished, by the frequent and always unsuccessful appeals, which they have made to the people, to give up at length this vain chimera of being able to rule public opinion, with which they have so long suffered themselves to be deluded.

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The gentleman, (Mr. Gallatin,) has given up the point, so strongly contended for by others on the same side of the House. He has admitted that we did not, by the treaty with England, concede to her the right respecting neutral bottoms; but he contends that we should have made no commercial treaty with her, till she had relinquished that right. I will, however, ask that gentleman and the committee, whether it is not wise to obtain the modification of a right which operates unfavorably to us, when we cannot obtain its relinquishment? Is it not wise and lawful, since we cannot prevent this operation, to render it as little injurious as possible—to lessen its inconveniences when we cannot quite remove them? This is what the treaty has done; and surely we may do this without asking the permission of France, or giving her cause of offence.

From all this it must evidently appear, that we have not conceded this right to England, since she possessed it by the law of nations; and that we have done France no injury. Consequently, justice does not require us to concede it to her. The argument of necessity, of course, falls to the ground.

Will the argument of utility avail gentlemen any better? They contend, that if not necessary, it would at least be useful to make this concession to France: that if not demanded by justice, it is at least recommended by policy. If so, it may be done by the president without our assistance or advice, and the same good effects will still result from it. But why will it be useful? Will it be valuable to France? Does she want it? Will this concession satisfy her? These are questions which, in my opinion, deserve particular and serious consideration.

In the first place, I would ask how this right can be valuable to France? We are not carriers for Britain. For many nations, indeed, we are carriers, but not for Britain; which, on the contrary, is very considerably a carrier for us. Our produce is often found in her ships—her goods very seldom in ours. Consequently, the right to take British property on board of our ships, is a right of no value to France. Her interest, and a very powerful one it is, consists not in using the right herself, but in taking it away from England. It is not to seize English property in our ships that she is so anxious, but to make French property safe from being seized in them by the English. Could she once accomplish this point, her commerce would float safely in our ships, and England, being prohibited to touch it, would become infinitely less formidable to her. The navy of England would, in fact, become in a great degree useless to her, in a war against France; since it could not touch her commerce secured under our neutral flag, while France, having her commerce thus carried on for her, would be able to employ every ship and every sailor she possessed, in attacking and destroying the commerce and the navy of England. Thus that naval superiority which she so much dreads, and which enables England to counterbalance her power in Europe, would be stripped of all its effects and all its terrors. It is not, therefore, wonderful, that France should be so extremely anxious to deprive England of this right, or so ready to renounce it herself. It is of no use to her, and of infinite use, perhaps necessity, to England.

Accordingly it has been seen, that France, while perpetually urging us to resist the exercise of this right by England, and even quarrelling with us for not doing so, has never hinted the least desire to have it herself. She has not been slow or diffident, every body knows, in demanding what she thinks useful to herself; and it may, therefore, be most safely concluded, that since she has not demanded this, she thinks it of no use to her, and does not want it. To show us, indeed, how little she cares about it, she has taken it lately by a formal decree, and yet still continues to quarrel with us, and plunder us.

What reason then, I would ask, is there for supposing, that France will be satisfied by this concession? Does she limit her claims to this? Some gentlemen, particularly one from Maryland, (Mr. S. Smith,) has said so: but does she say so? Is that gentleman in the secret of her councils, or authorized to explain her pretensions? If so, let him show his credentials. If not, the House must take the liberty of judging, not from his asser-

tions, but from the acts of France herself; from the official papers presented by her ministers. Let the gentleman from Maryland read these papers. He will find in them a great many pretensions to which he will never submit—but not one word of this. That gentleman has said, that her decree of March 2d, wherein she takes these rights, which gentlemen are so anxious to have conceded to her, ought to overrule all her former acts, to be considered as her *ultimatum*, as the final declaration of her wishes, her claims, and her pretensions. If so, why continue to plunder and maltreat us since that decree? Why send away our minister? Why refuse to receive another, unless all the grievances of which she has complained, and to the redress of which she thinks herself entitled, shall first be removed? Gentlemen have found in that phrase, "to the redress of which she is entitled," a wonderful restriction of all her demands, and a very conciliatory disposition. But who is to declare which are the complaints, to the redress of which she is entitled? Certainly she herself. And where is this country to look for the declaration? Certainly in the official acts of her government directed to ours, and not in decrees passed long after, nor in the speeches of members on this floor. The first of these acts is M. de la Croix's summary, delivered to our ministers at Paris, March 9th, 1796, and containing complaints against the whole British treaty, against the interference of our courts with French prizes, and against the construction, put by our government on the laws of neutrality, and on some articles of the treaty with France. Next comes the decree of July 4th, 1796, for enforcing these complaints. After that is M. Adet's fifth note of October 27th, 1796, communicating this decree; and last of all comes his manifesto, November 15th, 1796, in which all the former complaints made by himself, his predecessors and M. de la Croix, are enlarged upon and enforced. On the 12th of December following, the Directory refused to receive our minister, and declared that they would in future receive no minister-plenipotentiary from us, till all the injuries, of which they had complained, were redressed. What are the complaints here referred to? Certainly those contained in the manifesto of M. Adet: for as the Directory had no doubt given him instructions, as to the manifesto and the time of publishing it, they must have known that it had been published, when they gave this answer to Gen. Pinckney; and to that manifesto, and the complaints contained in it, the answer no doubt refers. As to the decree of March 2d, which gentlemen say, ought to be considered as the *ultimatum* of France, it did not take place till two months afterwards: and to suppose that the Directory, in refusing to receive a minister on account of grievances complained of, had reference to a complaint made two months after, would certainly be to charge them with a very singular absurdity.

I cannot, therefore, be persuaded that these concessions, so much relied on by gentlemen, will satisfy France, since it is certain that they form no part of her present demands, that she never has asked for them, and that they would be of little value to her, if she had them. This conclusion is greatly strengthened by the consideration, that although she had possessed herself of these rights by the decree of July 4th, 1796, and still more formally and expressly by that of March 2d, 1797, she still continued to pillage and maltreat this country, under the pretext of other complaints; whereas, had these rights now proposed to be ceded to her, been the sole or chief object of her desires, she would have ceased to complain and plunder, as soon as she had seized them.

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It will be highly useful to inquire what the real wishes and objects of France are, as well as what they are not. In order to find out this, it will be proper to ask, what has been the scope of her policy in this country? And what is the ground of her anger at the British treaty? For my part, I have no doubt that the whole scope of the French policy towards this country has been to draw it into the war against England, and the tendency of the British treaty to defeat this project the whole ground of their animosity against that instrument. It is, in my opinion, a vain delusion, to suppose that France has conceived this mighty resentment, and is committing these unheard of outrages, on account of this or that article of a treaty, this or that advantage given to another nation, and withheld from her. It is the treaty itself, which has given her offence; and its tendency to preserve peace between this country and Britain, is the ground of that offence. If it

should be asked, how this appears to have been the drift of France? I answer, that it appears, in the first place, by the instructions to Genet. These instructions have been given to the public by M. Genet himself, in order to justify his conduct in this country. They must still be fresh in the recollection of most persons; but as there may be some who have not particularly attended to them, or have forgotten their tenor, it will not be improper to cite some of the most remarkable passages. "The executive council, (says M. Genet,) are disposed to set on foot a negotiation on these foundations, (the overtures made by General Washington and Mr. Jefferson for a new treaty,) and they do not know but that such a treaty admits a latitude still more extensive, in becoming a national agreement, in which two great nations shall suspend" (this, sir, should have been translated unite) "their commercial and political interests, and establish a mutual understanding, to befriend the empire of liberty wherever it can be embraced, and punish those powers who still keep up an exclusive colonial and commercial system, by declaring, that their vessels shall not be received in the ports of the contracting parties." Thus it appears, that this treaty is not only to be a commercial, but also a political union: that we are to assist in extending French principles and French influence, under the name of guaranteeing the sovereignty of the people, and befriending the empire of liberty; and that, in order to accomplish this end, we are to shut our ports against all the powers who maintain an exclusive commercial and colonial system; that is, against the English, Spaniards, Danes and Dutch. This amounts in substance, and almost in name, to an alliance offensive and defensive with France.

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It being, as I conceive, perfectly manifest from all these considerations, that the plan of France has always been to draw us into the war; the House is furnished with a ready solution of her anger against the British treaty, and a clue to all her present measures. It is evident, that her anger at the treaty has arisen entirely from its having defeated her plan of drawing us into the war; and it will readily appear, that the whole aim and object of her present measures are to compel us to renounce it; to drive us into that quarrel with England, into which she has failed in her attempts to entice us. She must either mean this, or she must mean seriously to attack us, and drive us into a war against herself. To discover which of these is her real object, what is the true motive of her present measures, is of the utmost importance; because till that is done, it will be difficult to determine, in what manner those measures ought to be counteracted, which is the point immediately under consideration.

I can never believe, that it is the intention of France seriously to attack this country, or to drive it into a war against herself. She has too much to lose and too little to gain by such a contest, to have seriously resolved on it, or even to wish it. In her counsels, I have observed great wickedness, but no folly; and it would be the extreme of folly in her to compel this country to become her enemy; especially in the present war, when we can throw so formidable a weight into the opposite scale. France well knows our power in that respect, and will not compel us to exert it. She well knows, that we possess more ships and more seamen than any country upon earth except England alone. She well knows, that our sailors are the most brave, skilful and enterprising in the world, and, that by arming our vessels, our commerce would soon be made to float safe from privateers; while her fleets and large ships would be kept in awe by those of England. She knows that in the late war, the state of Massachusetts alone, with its privateers, took one third of all the merchant ships of Great Britain, and that, though she had no commerce to be attacked, these maritime materials, greatly increased since that time, would enable us, if driven to the necessity, to create speedily a formidable marine, with which we could not only defend ourselves, but attack her possessions. She knows, that we have a population not far short of six millions, and that the martial spirit which conducted us gloriously through the trying scenes of the late war, though dormant indeed, could not have been extinguished. She knows, that by co-operating with the English, (a co-operation which must result naturally from our being driven into the war,) by opening our harbors to their ships, permitting them to arm, refit and victual in our ports, to recruit among our seamen, and to employ our vessels as transports, we could give them a most decided pre-

ponderance in the American seas, under which her own colonies, and those of Spain and Holland, which she most justly considers as her own, must speedily fall. She knows, that in case of a war with us, Spain and Holland, who must be her allies, would be within our grasp. She knows that the Americans could and would lay hold of New Orleans and the Floridas, and that they are well acquainted with the road to Mexico; and she would dread that enterprising valor, which formerly led them through barren wilds and frozen mountains, to the walls of Quebec. She knows, in fine, that to drive this country into a war with her at the present juncture, would bring about that co-operation of means, and that union of interests and views between us and the English, which it has been the great object of her policy to prevent, and which she had undertaken two wars, in the course of half a century, for the sole and express purpose of breaking.

It is, therefore, I think, impossible to conceive, that France means to drive or provoke us into war. Her object, in my opinion, must be altogether different. It must be to compel us to renounce the British treaty, and renew all our differences with that nation, under circumstances of irritation which must speedily end in a rupture. What has led her to form this project? From whence could she derive hopes of success?

She has been led to form it, in my opinion, from a persuasion, erroneous indeed, but favored by many appearances, that we are a weak, pusillanimous people, too much devoted to gain to regard our honor, too careful about our property to risk it in support of our rights, too much divided to exert our strength, too distrustful of our own government to defend it, too much devoted to her to repel her aggressions at the risk of a quarrel, too much exasperated against England to consent to that co-operation, which must of necessity grow out of resistance to France. Various occurrences have combined to produce and confirm this persuasion, and the forbearance which our government has exercised towards herself, is not the least of them. She has seen us submit, with patience, to the insults and outrages of three successive ministers, for the very least of which, she would have sent the minister of any nation out of her country, if not to the guillotine.

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Let us resolve to act so as to convince France that we have taken the resolution, and there is nothing to fear. This conviction will be to us instead of fleets and armies, and even more effectual. Seeing us thus prepared she will not attack us. Then will she listen to our peaceable proposals; then will she accept the concessions we mean to offer. But should this offer not be thus supported, should it be attended by any circumstances from which she can discover weakness, distrust or division, then will she reject it with derision and scorn. I view in the proposed amendment circumstances of this kind; and for that, among other reasons, shall vote against it. I shall vote against it not because I am for war, but because I am for peace; and because I see in this amendment itself, and more especially in the course to which it points, the means of impeding, instead of promoting our pacific endeavors. And let it be remembered, that when we give this vote, we vote not only on the peace of our country, but on what is far more important, its rights and its honor.

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2. On the Appointment of Foreign Ministers.

The great object then, as before, was war against England, and alliance with France; but not one word was said about war or alliance, words which might have created alarm, and given rise to hesitation. But measures were proposed, the direct and inevitable tendency of which was to widen the breach with England, and inflame the two countries more and more against each other. These measures assumed various shapes to suit the feelings and catch the passions of particular individuals or classes of men, and were urged with unremitting zeal, and indefatigable industry. Sometimes commercial restrictions on the trade of England were attempted; sometimes the intercourse between the two countries was to be cut off; and sometimes confiscation and sequestration were resorted to. Many of our best citizens, and the firmest friends to peace and neutrality, were impelled by the warmth of the moment, and the insinuations of this party, to favor and even propose or advocate these measures; and nothing was omitted to raise a storm of popular resentment and public odium against all those who had the firmness to withstand them.

To speak of negotiation was branded as pusillanimity; to speak of attempts at amicable adjustment was pronounced to be little short of treason. Gentlemen, for their opposition to these hostile measures, were stigmatized on this floor as the agents of England; mobs were hired to burn them in effigy in various towns in the Union; the presses devoted to the war party assailed them with continued volleys of calumny; their names were coupled with every disgraceful epithet, with every vile accusation, in the toasts of clubs, and the resolutions of societies; and finally, by all these means, aided by the continued aggressions of England, an universal flame was excited in the country, and the party saw itself approach to the moment of its triumph over the system of peace and neutrality.

When the country was thus on the point of rushing down the precipice, the president of the United States, destined so often to become its saviour, again stretched out his paternal hand and prevented the fall. Interposing the powers of his office, and his unbounded personal popularity, between the legislature and the gulf at the very brink of which it had almost arrived, he arrested its career, and afforded the country time to recover from its delirium. He sent an envoy extraordinary, to make one further attempt at an amicable adjustment of our differences with England, before we should resolve to terminate them by the sword; and by this step he again broke the measures of the war party.

Their rage was proportioned to their disappointment, and it hurried them into the most furious invectives against the president, against the envoy, and against all who were understood to favor the measure. Every body remembers, Mr. Chairman, how they accused this envoy of being a tool of the British ministry, an enemy to liberty, and even an opposer of the independence of this country. Every body remembers what clamors were raised about the unconstitutionality of his appointment; how the clubs toasted, the orators harangued, and the societies resolved. Every body remembers how all the presses, under the influence of this party, loudly alleged, that the friends of the negotiation were a faction devoted to England, and that the president of the United States, by sending the envoy, had placed himself at the head of the faction. Every one remembers how the leaders of this party did not refrain from repeating these accusations within the walls of this House, and even on this floor. It was in vain that the friends of the measure and of peace, spoke to them in language like this. "Let this attempt at negotiation be made, and if it fails, we will join you in war. Should England refuse to do us justice, when thus peaceably applied to, we will join you in every measure of compulsion. We consider this as the last effort at negotiation; and so the president has announced it in his message for nominating the envoy." No! These gentlemen now so peaceable, when France repels with contempt two successive efforts at negotiation, and meets all our advances by new measures of hostility, could then be satisfied with nothing less than immediate measures of coercion and irritation against England. A single attempt to negotiate, they reprobated as pusillanimity, and the very idea of a compromise they treated as a surrender of the rights and honor of the country.

When the envoy arrived, and presented a memorial, stating all our claims, and urging satisfaction, but urging in the usual forms of diplomatic civility, these forms were converted into a cause of accusation, a most violent outcry was raised against this civility by the very gentlemen who now proclaim their unbounded and even enthusiastic approbation of the conduct of the late minister to France, who, in his first address to the government of that republic, assured it solemnly and publicly, that this country was ready to submit cheerfully to any infractions of its treaties or violation of its rights, which France might think it for her own advantage to commit! Whence this strange inconsistency, but from an eager desire of war against England, and a blind servile devotedness to France? And will gentlemen, after all this, deny that the whole scope of the measures, the whole drift of the system of their party, has been war against England and alliance with France?

The envoy, however, continued to negotiate, and at length concluded a treaty, by which ancient differences were adjusted, and the foundation laid for amity in future. No sooner did the treaty arrive in the country, than every artifice was used to inflame the public mind, and excite against it the popular prejudices. Nothing was

omitted to defeat it in the Senate, and when ratified by that body, it was attacked by every coffee-house politician of the party, before it was published, by all their presses, and by the resolutions of all the clubs. When made public, the most unheard of means were used to overwhelm it with general odium, to raise an universal cry against it, and deter the president from giving it his sanction. In every town, mobs were assembled, under the more respectable name of town meetings; those of a different opinion were silenced by clamor, intimidated by threats, or actually driven away by violence; and all opposition or discussion being thus prevented, these assemblages of ignorant and illiterate men were prevailed upon to vote by acclamation for resolutions which they were incapable of understanding, and could not even hear.

Thus the appearance of a formidable popular rising in various parts of the continent, was exhibited, and the phrenzy caught. It spread wider and wider, and aided by various auxiliary passions, drew into its vortex great masses of the best citizens. The country again seemed on the point of rushing down the precipice; but fortunately its guardian genius yet presided over its affairs. The president of the United States again placed himself in the breach, and received on his buckler all the strokes, aimed at the happiness of his country. He spoke to the people, they heard the voice of their father, they listened and became calm. He ratified the treaty; and the people said, "It is done, and must it not be supported? He has done it, and is it not right?" They listened and were appeased, they read and were convinced, they discovered their first errors, acknowledged and renounced them.

But not so the party, whose object was war against England at all events. They saw in this treaty the death of their hopes, the final frustration of all their projects; for this treaty took away all cause of quarrel between the two countries; and they resolved to make one grand effort for its destruction, which being accomplished, all the ancient disputes would be reinstated with new aggravation; and a rupture would be rendered by so much the more certain, as there could be no faith in any new accommodation. To this object they bent their whole force, and this House was the place chosen for the attack. When the treaty came before this House to be carried into effect, doctrines, new to the Constitution and incompatible with its existence, were introduced, in order to destroy it. The treaty-making power was attempted to be rendered subject to the control of this House; as the power of appointing foreign ministers is now attempted to be rendered subject. The treaty was attacked through the sides of the Constitution; a war was sought by the overthrow of our government, and the violation of our plighted faith. But a firm resistance was given to these attempts. Enlightened discussions spead the truth before the eyes of the people. Warned by the errors into which they had before been drawn, and roused by the magnitude of the danger, they rose in their might, and the party was dismayed; they spoke, and it trembled; they put forth their hand and touched it, and it sunk to the earth.

Thus again, Mr. Chairman, were the projects of these gentlemen confounded. Thus again were they prevented from effecting their purpose, so much desired, of driving this country into war with England and into the fraternal embraces of France.

The remaining history is known. The French, under pretexts so frivolous, that not one gentleman on this floor has been found hardy enough to defend them, have quarrelled with us on account of this treaty; because, by terminating our differences with England, it cuts off all hopes of our being drawn into war against her. In this quarrel, France proceeded, avowedly, on the ground of our being a divided people, opposed to our government, and attached to her, repels all our amicable advances, meets them with new injuries, and declares, that before she will listen to us, we must tread back all our steps, reverse our whole system of policy, break our treaty with England, and admit her own construction of her treaty with us. In this critical and alarming situation of affairs, the same description of persons, the same individuals even, who so perseveringly attempted to bring us into a war against England, according to the views of France, who have so uniformly and with so much zeal supported all the pretensions of France, now come forward and make a direct attack on the executive, the tendency of which necessarily is, to divide it from this House, when there is the utmost need of union, and withdraw from it the confidence of the

people, when that confidence is more than ever essential. What is this but a continuation of the same system? And are we to be blamed for seeing, in this attempt, a new effort to throw this country into the arms of France, by rendering the government unable to resist her; by forcing it, from weakness, to submit to her mandates; to break, in obedience to them, its treaty with England, and substitute, in its place, an alliance, offensive and defensive, with her?

If this be not the object of gentlemen; if it be not their intention thus to serve their country, by reducing it to the situation of Holland, how are we to reconcile their present with their former conduct; their eagerness for hostile measures formerly, with their tame, submissive spirit now; their zealous opposition to every thing like negotiation formerly, with their equally zealous opposition to every thing like resistance now? If this be not their system, then all that I can say about their present measures, contrasted with those pursued by them on a former occasion, about their former eagerness for alliance with one foreign nation, and war with another, contrasted with their present declamations against all sorts of foreign connections or intercourse, is to exclaim, in the eloquent language of the gentleman from Pennsylvania, that those measures form the last leaf of that book, wherein are written the inconsistencies of party.

Whether this system of war and alliance, this system of fraternity with France, such as the Dutch now enjoy, and hostility under her orders against all her enemies; this system, so steadily pursued, but so often defeated, shall now at length begin to triumph, I consider as the question now to be decided. It is now to be decided, whether an important step shall be taken towards compelling our government, through debility, to submit implicitly to France, towards laying this country, bound hand and foot, at the feet of that haughty, domineering nation. To take this step, to commence the triumph of the fraternal system, I take to be the object, as I know it to be the tendency of the inroad on the executive power attempted by this amendment. Hence it is that I oppose it with the warmest zeal, and with all my might; and if my opposition shall contribute, in the smallest degree, to its defeat, I shall neither regret the time I have occupied, nor apologize for the trouble I have given to the committee.

II. LIVINGSTON'S SPEECH ON THE ALIEN BILL.

Having shown that this bill is at war with the fundamental principles of our government, I might stop here in the certain hope of its rejection. But I can do more; unless we are resolved to pervert the meaning of terms, I can show, that the Constitution has endeavored to "make its surety doubly sure, and take a bond of fate," by several express prohibitions of measures like the one you now contemplate. One of these is contained in the ninth section of the first article; it is at the head of the articles which restrict the powers of Congress, and declares, "that the emigration or importation of such persons as any of the states shall think proper to admit, shall not be prohibited prior to the year 1808." Now, sir, where is the difference between a power to prevent the arrival of aliens and a power to send them away as soon as they arrive? To me they appear precisely the same. The Constitution expressly says, that Congress shall not do this; and yet Congress are about to delegate this prohibited power, and say the president may exercise it, as his pleasure may direct.

Judiciary power is taken from courts, and given to the executive; the previous safeguard of a presentment by a grand inquest, is removed; the trial by jury is abolished; the "public trial," required by the Constitution, is changed into a secret and worse than inquisitorial tribunal. Instead of giving "information on the nature and cause of the accusation," the criminal, alike ignorant of his offence, and the danger to which he is exposed, never hears of either, until the judgment is passed and the sentence is executed. Instead of being "confronted with his accusers," he is kept alike ignorant of their names and their existence; and the forms of a trial being dispensed with, it would be a mockery to talk of "process for witness," or the "assistance of counsel for defence." Thus are all the barriers, which the wisdom and humanity of our country has placed between accused innocence and oppressive power, at once forced and broken down. Not a vestige even of their form remains. No indictments, no jury, no trial, no public procedure, no statement of the accusation, no examination of the witnesses in its support, no counsel for defence: all is darkness, silence, mystery and suspicion. But, as if this were not enough, the unfortunate

victims of this law are told, in the next section, that, if they can convince the president that his suspicions are unfounded, he may, if he pleases, give them a license to stay. But how can they remove his suspicions, when they know not on what act they were founded? How take proof to convince him, when he is not bound to furnish that on which he proceeds? Miserable mockery of justice! Appoint an arbitrary judge, armed with legislative and executive powers added to his own! Let him condemn the unheard, the unaccused object of his suspicions, and then, to cover the injustice of the scene, gravely tell him, you ought not to complain, you need only disprove facts you have never heard, remove suspicions that have never been communicated to you; it will be easy to convince your judge, whom you shall not approach, that he is tyrannical and unjust, and when you have done this, we give him the power he had before, to pardon you if he pleases!

So obviously do the constitutional objections present themselves, that their existence cannot be denied, and two wretched subterfuges are resorted to, to remove them out of sight. In the first place, it is said, the bill does not contemplate the punishment of any crime, and therefore the provisions in the Constitution, relative to criminal proceedings and judiciary powers, do not apply. But have the gentlemen, who reason thus, read the bill, or is every thing forgotten, in our zealous hurry to pass it? What are the offences upon which it is to operate? Not only the offence of being "suspected of being dangerous to the peace and safety of the United States," but also that of being "concerned in any treasonable or secret machinations against the government thereof"—and this, we are told, is no crime. A treasonable machination against the government is not the subject of criminal jurisprudence! Good heaven! to what absurdities does not an overzealous attachment to particular measures lead us! In order to punish a particular act, we are forced to say that treason is no crime, and plotting against our government is no offence! And to support this fine hypothesis, we are obliged to plunge deeper into absurdity, and say, that the acts spoken of in the bill are no crimes, and therefore the penalty contained in it is not a punishment, but merely a prevention; that is to say, we invite strangers to come amongst us; we declare solemnly that government shall not prevent them; we entice them over by the delusive prospects of advantage; in many parts of the Union we permit them to hold lands, and give them other advantages while they are waiting for the period at which we have promised them a full participation of all our rights. An unfortunate stranger, disgusted with tyranny at home, thinks he shall find freedom here; he accepts our conditions; he puts faith in our promises; he vests his all in our hands; he has dissolved his former connections and made your country his own: but while he is patiently waiting the expiration of the period that is to crown the work, entitle him to all the rights of a citizen—the tale of a domestic spy, or the calumny of a secret enemy, draws on him the suspicions of the president, and unheard, he is ordered to quit the spot he has selected for his retreat, the country which he had chosen for his own, perhaps the family which was his only consolation in life, he is ordered to retire to a country whose government, irritated by his denunciation of its authority, will receive only to punish him—and all this, we are told is no punishment!

So manifest do these violations of the Constitution appear to me, so futile the arguments in their defence, that they press seriously on my mind and sink it even to despondency. They are so glaring to my understanding, that I have felt it my duty to speak of them in a manner, that may perhaps give offence to men whom I esteem, and who seem to think differently on this subject; none, however, I can assure them, is intended. I have seen measures carried in this House, which I thought militated against the spirit of the Constitution; but never before have I been witness to so open, so wanton, so undisguised an attack.

I have now done, sir, with the bill, and come to consider the consequences of its operation. One of the most serious has been anticipated, when I described the blow it would give to the Constitution of our country. We should cautiously beware of the first act of violation; habituated to overleap its bounds, we become familiarized to the guilt, and disregard the danger of a second offence; until proceeding from one unauthorized act to another, we at length throw off all restraint which our Constitution has imposed; and very soon not even the semblance of its form will remain.

But if, regardless of our duty as citizens, and our solemn obligations as representatives; regardless of the rights of our constituents; regardless of every sanction, human and divine, we are ready to violate the Constitution we have sworn to defend—will the people submit to our unauthorized acts—will the states sanction our usurped power? Sir, they ought not to submit—they would deserve the chains which these measures are forging for them, if they did not resist. For let no man vainly imagine, that the evil is to stop here; that a few unprotected aliens only are to be affected by this inquisitorial power. The same arguments which enforce those provisions against aliens, apply with equal strength to enacting them in the case of citizens. The citizen has no other protection for his personal security, that I know, against laws like this, than the humane provisions I have cited from the Constitution. But all these apply in common to the citizen and the stranger: all crimes are to be tried by jury: no person shall be held to answer unless on presentment: in all criminal prosecutions, the accused is to have a public trial; the accused is to be informed of the nature of the charge; to be confronted with the witnesses against him; may have process to enforce the appearance of those in his favor, and is to be allowed counsel in his defence. Unless, therefore, we can believe that treasonable machinations and the other offences described in the bill, are not crimes, that an alien is not a person, and that one charged with treasonable practices is not accused—unless we can believe all this in contradiction to our understanding, to received opinions and the uniform practice of our courts, we must allow that all these provisions extend equally to alien and native, and that the citizen has no other security for his personal safety than is extended to the stranger who is within his gates. If, therefore, this security is violated in one instance, what pledge have we that it will not be in the other? The same plea of necessity will justify both. Either the offences described in the act are crimes or they are not. If they are, then all the humane provisions of the Constitution forbid this mode of punishing, or preventing them, equally as relates to aliens and citizens. If they are not crimes, the citizen has no more safety by the Constitution than the alien; for all these provisions apply only to crimes. So that in either event, the citizen has the same reason to expect a similar law to the one now before you, which will subject his person to the uncontrolled despotism of a single man. You have already been told of plots and conspiracies; and all the frightful images, that are necessary to keep up the present system of terror and alarm, have been presented to you; but who are implicated by these dark hints—these mysterious allusions? They are our own citizens, sir, not aliens. If there is any necessity for the system now proposed, it is more necessary to be enforced against our own citizens than against strangers; and I have no doubt, that either in this or some other shape, this will be attempted. I now ask, sir, whether the people of America are prepared for this? Whether they are willing to part with all the means which the wisdom of their ancestors discovered; and their own caution so lately adopted to secure their own persons? Whether they are willing to submit to imprisonment, or exile, whenever suspicion, calumny, or vengeance shall mark them for ruin? Are they base enough to be prepared for this? No, sir, they will, I repeat it, they will resist this tyrannical system; the people will oppose, the states will not submit to its operations; they ought not to acquiesce, and I pray to God they never may.

My opinions, sir, on this subject, are explicit, and I wish they may be known; they are, that whenever our laws manifestly infringe the Constitution under which they were made, the people ought not to hesitate which they should obey: if we exceed our powers, we become tyrants, and our acts have no effect. Thus, sir, one of the first effects of measures such as this, if they be acquiesced in, will be disaffection among the states, and opposition among the people to your government; tumults, violations, and a recurrence to first revolutionary principles: if they are submitted to, the consequences will be worse. After such manifest violation of the principles of our Constitution, the form will not long be sacred; presently every vestige of it will be lost and swallowed up in the gulf of despotism. But should the evil proceed no farther than the execution of the present law, what a fearful picture will our country present! The system of espionage thus established, the country will swarm with information spies, delators, and all that odious tribe, that breed

in the sunshine of despotic power, that suck the blood of the unfortunate, that creep into the bosom of sleeping innocence only to awaken it with a burning wound. The hours of the most unsuspecting confidence; the intimacies of friendship, or the recesses of domestic retirement, afford no security: the companion whom you must trust, the friend in whom you must confide, the domestic who waits in your chamber, are all tempted to betray your imprudence or guardless follies, to misrepresent your words, to convey them, distorted by calumny, to the secret tribunal where jealousy presides, where fear officiates as accuser, where suspicion is the only evidence that is heard.

These, bad as they are, are not the only ill consequences of these measures. Among them we may reckon the loss of wealth, of population, and of commerce. Gentlemen who support the bill seemed to be aware of this when, yesterday, they introduced a clause to secure the property of those who might be ordered to go off. They should have foreseen the consequences of the steps which they have been taking: it is now too late to discover that large sums are drawn from the banks, that a great capital is taken from commerce. It is ridiculous to observe the solicitude they show to retain the wealth of these dangerous men, whose persons they are so eager to get rid of. If they wish to retain it, it must be by giving them security to their persons, and assuring them that while they respect the laws, the laws will protect them from arbitrary powers; it must be, in short, by rejecting the bill on your table. I might mention other inferior considerations: but I ought, sir, rather to entreat the pardon of the House for having touched on this. Compared to the breach of our Constitution, and the establishment of arbitrary power, every other topic is trifling; arguments of convenience sink into nothing; the preservation of wealth, the increase of commerce, however weighty on other occasions, here lose their importance when the fundamental principles of freedom are in danger. I am tempted to borrow the impressive language of a foreign speaker, and exclaim—"Perish our commerce, let our Constitution live!" perish our riches, let our freedom live! This, sir, would be the sentiment of every American, were the alternative between submission and wealth: but here, sir, it is proposed to destroy our wealth in order to ruin our commerce: not in order to preserve our Constitution, but to break it: not to secure our freedom but to abandon it.

I have now done, sir, but before I sit down, let me entreat gentlemen seriously to reflect, before they pronounce the decisive vote that gives the first open stab to the principles of our government. Our mistaken zeal, like the patriarch of old, has bound one victim; it lies at the foot of the altar; a sacrifice of the first-born offspring of freedom is proposed by those who gave it birth. The hand is already raised to strike, and nothing, I fear, but the voice of heaven, can arrest the impious blow.

Let not gentlemen flatter themselves, that the fervor of the moment can make the people insensible to these aggressions. It is an honest, noble warmth, produced by an indignant sense of injury. It will never, I trust, be extinct while there is a proper cause to excite it. But the people of America, sir, though watchful against foreign aggressions, are not careless of domestic encroachment; they are as jealous, sir, of their liberties at home, as of the power and prosperity of their country abroad; they will awake to a sense of their danger. Do not let us flatter ourselves, then, that these measures will be unobserved or disregarded: do not let us be told, sir, that we excite a fervor against foreign aggressions only to establish tyranny at home; that, like the arch traitor, we cry "Hail Columbia," at the moment we are betraying her to destruction; that we sing out "happy land," when we are plunging it in ruin and disgrace; and that we are absurd enough to call ourselves "free and enlightened," while we advocate principles that would have disgraced the age of Gothic barbarity, and establish a code, compared to which the ordeal is wise, and the trial by *battel* is merciful and just.

CHAPTER XI.

1798-1799.

EVENTS OF THE YEARS 1798 AND 1799.

Activity of parties — Jefferson's and Madison's plans — The Kentucky and Virginia Resolutions — Jefferson prepared the Kentucky Resolutions — The doctrine of *nullification* asserted — The Resolutions in full — John Quincy Adams's statements — The Virginia Resolutions — Jefferson went further than Madison — Congress in session — The opening speech and answers of the two Houses — Washington's embarrassments as to appointing officers in the army — Washington's activity and zeal — Acts of Congress — Pickering's review of the correspondence and dispatches relative to the French mission — Skill and bravery of the officers and men in the navy — Truxtun's victory — Financial matters — State of public affairs — The president's course — Probable causes of this course — Nomination of a third embassy to France — Vans Murray's name sent to the Senate — Condemned by the party in very strong terms — Jefferson's remarks — Two others joined with Murray — The departure of the envoys to France delayed — Adams's letter quoted — Fatal result to the federal party — Fries's insurrection — The case of Robbins or Nash — Debate in Congress — Intercourse with St. Domingo — Treaty with Prussia — Proceedings in the Kentucky legislature — Its unanimous resolve — Madison's report in the Virginia legislature — Concluding resolution — The sixth Congress — The president's opening speech — The session begun — Interrupted by the sudden death of Washington. APPENDIX TO CHAPTER XI. Mr. Madison's Letter to Edward Everett, on the subject of Nullification.

DURING the recess of Congress, both the federalists and the republicans were actively engaged in measures for supporting or attacking the administration. Under the guidance of Jefferson and Madison, the republicans prepared for vigorous assaults upon those unpopular enactments, the alien and sedition laws. Petitions for their repeal were busily circulated, and the few individuals against whom the sedition law was brought to bear, were elevated to the rank of martyrs. The excise and stamp acts; standing armies and navies; defalcations of public officers; and the like; were topics affording abundant points of attack, and they were used with great force and effect. On the other hand, the federalists were anxiously scanning the indications of the political horizon, and though laboring at a disadvantage, in consequence of dissensions among themselves, were not without hope of maintaining their ascendancy in the management of public affairs.

1798.

On a previous page (p. 428) we have alluded to the policy favored by that astute politician, Thomas Jefferson, in the then condition of things. It will be worth while to look at it a little more closely, since it involves questions which never have been, and probably never will be, settled so completely as to put an end to dispute. How far, and in what precise sense, each state in the Union is sovereign and independent, has always been a matter whereon statesmen have differed; and to this day it remains an open question, in the minds of some, whether or not a state may not go to the length of nullifying

acts of the general government which may not suit its views or purposes, and fall back upon its original sovereignty as it existed previous to the adoption of the Federal Constitution. Both Jefferson and Madison, as we have stated above, deemed the alien and sedition acts violations of the Constitution, and they determined to bring to bear upon the question at issue the power and influence of the state legislatures. This led to the preparation of the well known Kentucky and Virginia Resolutions, which deserve the attentive consideration of the student of history, both on account of the persons who prepared them, the circumstances under which they were prepared, and the doctrines which they set forth.

Although it was kept profoundly secret at the time, and very wisely too for Mr. Jefferson's interests, yet we now know that he himself penned the resolutions which were introduced by Mr. Breckenridge into the legislature of Kentucky, on the 10th of November, 1798, and were unanimously adopted. As these resolutions distinctly assert and defend the doctrine of *nullification*, we deem them of sufficient importance to be quoted in full upon our pages.

1. *Resolved*, That the several states composing the United States of America, are not united on the principle of unlimited submission to the general government, but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each state acceded as a state, and as an integral party, its co-states forming as to itself the other party; that the government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself: —since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress.

1798.

2. *Resolved*, That the Constitution of the United States having delegated to Congress the power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the high seas, and offences against the laws of nations, and no other crimes whatever, and it being true as a general principle, and one of the amendments to the Constitution having also declared, "That the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;" therefore, also the same act of Congress, passed on the 14th day of July, 1798, and entitled, "An act in addition to the act entitled an act for the punishment of certain crimes against the United States;" as also the act passed by them on the

27th day of June, 1798, entitled "An act to punish frauds committed on the Bank of the United States," (and all other of their acts which assume to create, define, or punish crimes other than those enumerated in the Constitution,) are altogether void, and of no force, and that the power to create, define, and punish such other crimes, is reserved, and of right appertains solely and exclusively, to the respective states, each within its own territory.

3. *Resolved*, That it is true as a general principle, as is also expressly declared by one of the amendments to the Constitution, that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;" and that no power over the freedom of religion, freedom of speech, or freedom of the press, being delegated to the United States by the Constitution, nor prohibited by it to the states, all lawful powers respecting the same, did of right remain, and were reserved to the states, or to the people; that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use, should be tolerated rather than the use be destroyed; and thus, also, they guarded against all abridgement by the United States of the freedom of religious opinions and exercises, and retained to themselves the right of protecting the same, as this state, by a law passed on the general demand of its citizens, had already protected them from all human restraints or interference: and that, in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press," thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press, insomuch, that whatever violates either, throws down the sanctuary which covers the others, and that libels, falsehoods, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals: that therefore the act of the Congress of the United States, passed on the 14th day of July, 1798, entitled, "An act in addition to the act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void, and of no effect.

4. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the state wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual states distinct from their power over citizens; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor

prohibited by it to the states, are reserved to the states respectively, or to the people," the act of the Congress of the United States, passed on the 22d day of June, 1798, entitled "an act concerning aliens," which assumes power over alien friends not delegated by the Constitution, is not law, but is altogether void and of no force.

5. *Resolved*, That in addition to the general principle, as well as the express declaration, that powers not delegated are reserved, another and more special provision inserted in the Constitution, from abundant caution, has declared, "that the *migration* or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." That this commonwealth does admit the migration of alien friends described as the subject of the said act concerning aliens, that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugatory; that to remove them when migrated, is equivalent to a prohibition of their migration, and is therefore contrary to the said provision of the Constitution, and void.

6. *Resolved*, That the imprisonment of a person under the protection of the laws of this commonwealth, on his failure to obey the simple order of the president, to depart out of the United States, as is undertaken by the said act, entitled "an act concerning aliens," is contrary to the Constitution; one amendment to which has provided that "no person shall be deprived of liberty without due process of law," and that another having provided, "that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence," the same act undertaking to authorize the president to remove a person out of the United States who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defence, without counsel, is contrary to these provisions also of the Constitution, is therefore not law, but utterly void and of no force. That transferring the power of judging any person who is under the protection of the laws, from the courts to the president of the United States, as is undertaken by the same acts concerning aliens, is against the article of the Constitution which provides that "the judicial power of the United States shall be vested in courts, the judges of which shall hold their offices during good behavior," and that the said act is void for that reason also; and it is further to be noted that this transfer of judiciary power is to that magistrate of the general government who already possesses all the executive, and a qualified negative in all the legislative powers.

7. *Resolved*, That the construction applied by the general government (as is evinced by sundry of their pro-

ceedings) to those parts of the Constitution of the United States which delegate to Congress a power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States; and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution —that words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument; that the proceedings of the general government under color of these articles will be a fit and necessary subject for revisal and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

8. *Resolved*, That the preceding resolutions be transmitted to the Senators and Representatives in Congress from this commonwealth, who are hereby enjoined to present the same to their respective Houses, and to use their best endeavors to procure, at the next session of Congress, a repeal of the aforesaid unconstitutional and obnoxious acts.

9. *Resolved, lastly*, That the governor of this commonwealth be, and he is hereby, authorized and requested to communicate the preceding resolutions to the legislatures of the several states, to assure them that this commonwealth considers union for specified national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness, and prosperity, of all the states: that, faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe that to take from the states all the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these states: and that, therefore, this commonwealth is determined, as it doubts not its co-states are, tamely to submit to undelegated and consequently unlimited powers in no man or body of men on earth: that if the acts before specified should stand, these conclusions would flow from them; that the general government may place any act they think proper on the list of crimes, and punish it themselves, whether enumerated or not enumerated by the Constitution, as recognizable by them; that they may transfer its cognizance to the president, or any other person, who may himself be the accuser, counsel, judge, and jury; whose *suspicions* may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction: that a very numerous and valuable description of the inhabitants of these states, being by this precedent reduced as outlaws

to the absolute dominion of one man, and the barrier of the Constitution thus swept away from us all, no rampart now remains against the passions and the power of a majority of Congress, to protect from a like exportation or other more grievous punishment, the minority of the same body, the legislatures, judges, governors, and counsellors of the states, nor their other peaceful inhabitants who may venture to reclaim the constitutional rights and liberties of the states and people, or who, for other causes, good or bad, may be obnoxious to the views, or marked by the suspicions of the president, or be thought dangerous to his or their elections, or other interests, public or personal: that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed; for already has a sedition act marked him as its prey: that these and successive acts of the same character, unless arrested on the threshold, may tend to drive these states into revolution and blood, and will furnish new calumnies against republican governments, and new pretexts for those who wish it to be believed that man cannot be governed but by a rod of iron; that it would be a dangerous delusion, were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is everywhere the parent of despotism: that free government is founded in jealousy and not in confidence: it is jealousy, not confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go; and let the honest advocate of confidence read the alien and sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits? Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on the president, and the president of our choice has assented to, and accepted over the friendly strangers to whom the mild spirit of our country and its law had pledged hospitality and protection: that the men of our choice have more respected the bare suspicions of the president than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief, by the chains of the Constitution. That this commonwealth does, therefore, call on its co-states for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes hereinbefore specified, plainly declaring whether these acts are or are not authorized by the federal compact? And it doubts not that their sense will be so announced, as to prove their attachment unaltered to limited government, whether general or particular, and that the rights and liberties of their co-states, will be exposed to no dangers by remaining embarked on a common bottom with their own: that

they will concur with this commonwealth in considering the said acts as so palpably against the Constitution, as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the general government, but that it will proceed in the exercise over these states of all powers whatsoever: that they will view this as seizing the rights of the states, *and consolidating them in the hands of the general government*, with a power assumed to bind the states, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent: that this would be to surrender the form of government we have chosen, and to live under one deriving its powers from its own will, and not from our authority: and that the co-states recurring to their natural right in cases not made federal, will concur in declaring these acts void and of no force, and will each unite with this commonwealth in requesting their repeal at the next session of Congress.

John Quincy Adams—himself a statesman of no mean eminence—calls attention to the keen, constant and profound faculty of observation possessed by Mr. Jefferson with regard to the action and reaction of popular opinion upon the measures of government; and noticing how sagaciously the vice-president availed himself of present opportunity to further his personal advancement, he points out clearly wherein Jefferson went quite beyond Madison in asserting and advocating the doctrines of nullification. "Assuming as first principles, that, by the Constitution of the United States, Congress possessed no authority to restrain in any manner the freedom of the press, not even in self-defence against the most incendiary defamation; and that the principles of the English common law were of no force under the government of the United States, he drafted, with his own hand, resolutions which were adopted by the legislature of Kentucky, declaring that each state had the right to judge for itself, as well of infractions of the common Constitution, by the general government, as of the modes and measures of redress; that the alien and sedition laws were, in their opinion, manifest and palpable violations of the Constitution, and therefore null and void; and that a nullification by the state sovereignties of all unauthorized acts done under color of the Constitution, is the rightful remedy for such infractions.

"The principles thus assumed," as Mr. Adams goes on to say, "and particularly that of remedial nullification by state authority, have been more than once reasserted by parties predominating in one or more of the confederated states, dissatisfied with particular acts of the general government. They have twice brought the Union itself to the verge of dissolution. To that result it must come, should it ever be the misfortune of the American people that these principles should obtain the support of a sufficient portion of them, to make them effective by force. They never have yet been so supported. The alien and sedition acts were temporary statutes, and ex-

pired by their own limitations. No attempt has been made to revive them; but in our most recent times, restrictions upon the freedom of the press, of speech, and of personal liberty, far more vigorous than the alien and sedition laws, have not only been deemed within the constitutional power of Congress, but even recommended by the chief magistrate of the Union, to encounter the dangers and evils of incendiary publications."

After remarking upon the influence which Jefferson always exerted over Madison, and their general agreement in views of the policy of the federal administration, Mr. Adams further says; "Mr. Madison, at the earnest solicitation of Mr. Jefferson, caused to be introduced into the legislature of Virginia the resolutions adopted on the 21st of December, 1798, declaring,—1. That the Constitution of the United States was a compact, to which the states were parties, granting limited powers of government. 2. That in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the compact, the states had the right, and were in duty bound to interpose, for arresting the progress of the evils, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them. 3. That the alien and sedition acts were palpable and alarming infractions of the Constitution. 4. That the state of Virginia, having by its convention which ratified the Federal Constitution, expressly declared that among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified, by any authority of the United States, and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with the other states recommended an amendment for that purpose, which amendment was in due time annexed to the Constitution, it would mark a reproachful inconsistency, and criminal degeneracy, if an indifference were now shown to the most palpable violation of one of the rights thus declared and secured, and to the establishment of a precedent which might be fatal to the others. 5. That the state of Virginia declared the alien and sedition laws UNCONSTITUTIONAL; and solemnly appealed to the like dispositions in the other states, in confidence that they would concur with her in that declaration, and that the necessary and proper measures would be taken by each for *co-operating* with her in maintaining unimpaired the authorities, rights, and liberties reserved to the states respectively, or to the people. 6. That the governor should be desired to transmit a copy of these resolutions to the executive authority of each of the other states, with a request that they should be communicated to the respective state legislatures, and that a copy should be furnished to each of the Senators and Representatives of Virginia in Congress."*

The reader will observe, that Mr. Jefferson wished to go much further than the Virginia Resolutions contemplated. He desired that the

* "*Life of James Madison*," pp. 65–69.

state legislatures should not only declare the alien and sedition laws absolutely null and void, but that they should *make* them so, by resisting forcibly their execution, and, if need be, by seceding from the Union. Mr. Madison was not prepared for any such extreme step, and at a later period of his life he repudiated explicitly the doctrines of those who believe in the right and power of a state to nullify the acts of the general government.* Further on we shall recur to this subject again.

The third session of the fifth Congress, which should have commenced on the 3d of December, was delayed till the 8th by the scanty attendance of members of the Senate. The president's speech opened with a reference to the epidemic by which Philadelphia and other places had recently so terribly suffered; and a suggestion that Congress should undertake to "frame a system" of quarantine. And it pointed with pride to the spirit which had been displayed in support of the administration, against the overbearing insolence of France, as calling for an addition to the "annual oblations of gratitude."

1798.

Most of the speech was devoted to an exposition of the relations existing between the United States and France. The president in preparing the speech, had followed the advice of his cabinet, except in one particular, which deserves to be noted here. The members of the cabinet, and the federal party generally, held, that after the gross insults of France, the sending another minister would be an act of humiliation to which the United States could not submit, leaving it to that country to make the first overtures for restoring peace and harmony. Mr. Adams, however, was unwilling to adopt language so strong as this, and he modified it, so as to require "more determinate assurances that another minister would be received," thus affording him the opportunity, if he saw fit, to institute a new mission to France. The effect of the president's determination will be seen presently.

The posture of affairs in relation to Spain and Great Britain, and the adjustment of the boundary and other unsettled questions, were also spoken of. Slight allusion was made to the delay in the organization of the army; the Representatives were informed respecting the progress of "the valuations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax;" and were counselled to revise the system of collecting the revenue then in force. The speech concluded with "inculcating the essential importance of uniting in the maintenance of their dearest interests," "that by the temper and wisdom of their proceedings, and by a harmony of measures" they, with him, "might secure to their country that weight and respect to which it was so justly entitled."

The answers of the House and of the Senate were in accordance with the tone of the president's speech, and were

* For Mr. Madison's Letter to the Hon. Edward Everett on the subject of nullification, and the proceedings in the Virginia legislature, see Appendix at the end of the present chapter.

adopted without opposition. The latter reprobated severely the course pursued by the Directory, in making use of "individuals without public character or authority" as the medium of negotiation, instead of "the constitutional and authorized agents of the government."* Mr. Adams replied, that he had "seen no real evidence of any change of system or disposition in the French republic towards the United States." This was on the 12th of December.

Washington, as we have previously stated, (p. 427) accepted, with considerable hesitation, the post of commander-in-chief of the army. It became immediately a matter of embarrassment as to what course ought to be pursued in appointing the officers of the higher grade. "Some of those who had served in the Revolution, were prominent candidates for appointments in the new army. It became a question, whether their former rank should be taken into account. If this were decided in the affirmative, it would deprive the army of the services of men, whose talents, activity, and influence were of the greatest moment, but who would not accept subordinate places. It was the opinion of Washington, that since the old army had long been disbanded, and a new one was now to be formed upon different principles, and for a different object, no regard ought to be paid to former rank, but that the best men should be selected, and so arranged as most effectually to promote the public good. This opinion prevailed."* 1798.

Washington had stipulated, "that the general officers and general staff of the army should not be appointed without his concurrence." He accordingly named Alexander Hamilton as inspector-general, and second in command, with Charles Cotesworth Pinckney and Henry Knox as major-generals. Adams, who particularly disliked Hamilton, and was very suspicious of his designs and purposes, especially if placed in any position of power and influence, was not at all pleased with this arrangement; but he unwillingly acquiesced. General Knox was dissatisfied with the rank assigned him, and refused to serve; General Pinckney, on the other hand, accepted the post offered him.†

During the months of November and December, Washington was at Philadelphia, where he was busily oc-

* Dr. Logan was here referred to. This individual had undertaken a mission to France on his own account, after the failure of negotiations and the return of Mr. Gerry to the United States. Mr. Jefferson gave him a certificate of his citizenship and character, and when in Paris he saw Talleyrand, and volunteered his services as a self-constituted negotiator. On Logan's return to the United States, he ventured to call upon Washington to relate to him what he had been about; and afterwards he saw the president, who received him much more graciously than Washington had done. This affair made more noise at the time than it deserved.

* Sparks's "*Life of Washington*," p. 485.

† Mr. Gibbs (vol. ii., pp. 86–104) enters into details respecting this matter of the appointment of officers, etc. Mr. C. F. Adams, on the other hand, (vol., i. pp. 520–34) presents an elaborate review of the plans and purposes of Hamilton and the members of the cabinet. The reader will do well to compare the passages referred to from Mr. Gibbs and Mr. Adams. The latter we believe to be somewhat unjust towards Hamilton.

cupied with Hamilton and Pinckney in concerting arrangements for raising and organizing the army. From this time to the end of his life, a great part of his time was bestowed upon military affairs. "His correspondence with the secretary of war, the major-generals, and other officers," as Mr. Sparks states, "was unremitted and very full, entering into details, and communicating instructions, which derived value from his long experience and perfect knowledge of the subject. His letters during this period, if not the most interesting to many readers, will be regarded as models of their kind, and as affording evidence that the vigor and fertility of his mind had not decreased with declining years." "He never seriously believed that the French would go to the extremity of invading the United States. But it had always been a maxim with him, that a timely preparation for war afforded the surest means for preserving peace; and on this occasion he acted with as much promptitude and energy, as if the invaders had been actually on the coast. His opinion proved to be correct, and his prediction was verified." For the French government, when it was found that the people would support the executive in resisting aggressions, soon manifested a disposition to draw back from their warlike attitude, since war with the United States was the last thing which was really desired.

1798.

During the present session, laws were passed providing for the better organization of the troops of the United States, authorizing the establishment of docks, the purchase of timber, and for the government of the navy. An attempt was made to expel Matthew Lyon when his term of imprisonment was expired, but it was unsuccessful. On the other side, although the Virginia and Kentucky Representatives flinched from presenting the nullifying resolutions of their respective legislatures, it was endeavored to obtain a condemnation of the alien and sedition laws, by a side attack, which, as Mr. Jefferson represents the matter, failed, because the federalists held a caucus, and determined not to revive the discussion by replying to Nicholas and Gallatin; who were in consequence "coughed down," whilst Livingston was silenced by the speaker. The vice-president estimated the comparative strength of the parties in the House, this session, at fifty-six for the federalists, and fifty for the opposition, "but two of the latter" did not attend. Out of Congress, this unsuccessful effort against these unpopular laws was supported by public petitioning; which, in Philadelphia, led to several riots and disturbances of the peace.

In the latter part of January, 1799, the secretary of state's elaborate report on the correspondence and dispatches relative to the French mission, was transmitted by the president to Congress. This report was very severe upon the course pursued by Mr. Gerry, and pointed out in very plain terms, the duplicity and aggressions of France. One paragraph is worth quoting. "The sensation which these details irresistibly excite, is that of astonishment at the unparalleled effrontery of M. Talley

rand in demanding of Mr. Gerry the names of X., Y., and Z.; after Y. had accompanied him on a visit to the minister, with whom the conversation detailed in the printed dispatches then passed, and who then assured Mr. Gerry, 'that the information M. Y. had given him was just, and might always be relied on;' after Z. had in the first instance introduced Mr. Gerry to the minister, and served as their mutual interpreter, and when the conversation between them had also been stated in dispatches; and after X., Y., and Z. had all dined together with Mr. Gerry at M. Talleyrand's table, on rising from which, X. and Y. renewed the propositions about the MONEY! The very circumstances of M. Talleyrand being continued in office, after the account of these intrigues had been published to the world, is a decisive proof that they were commenced and carried on with the privity and by the secret orders of the Directory. It was to accomplish the object of these intrigues, that the American envoys were kept at Paris unreceived, six months after their credentials had been laid before the Directory; and it was only because they were superior to these intrigues, and that no hopes remained of wheedling or terrifying them into a compliance, that two of them were then sent away, and with marks of insult and contempt."*

1799.

Although war was not formally declared against France, yet resistance to the attacks of French cruisers by merchant vessels was authorized by statute and reprisals, and recovery, in cases of attempted or accomplished capture. Privateers were also sent out against them; and there were, in addition to four twenty-four, three twenty, four eighteen gun sloops, and one with fourteen guns, three frigates, the United States, commanded by Captain Barry, the Constitution, under Captain Nicholson, and the Constellation, Captain Truxtun, commissioned, and sent out to sea.

Most of these vessels were employed in the West India waters, or in convoying ships between the islands and the United States. Eight revenue vessels, of which one carried ten, two twelve, and the rest fourteen guns, cruised immediately off the coast. "The sudden exhibition of so many cruisers in the West Indies, appears to have surprised the British, as well as the common enemy, and while the men-of-war of Great Britain, on the whole, treated their new allies with sufficient cordiality, instances were not wanting in which a worse feeling was shown, and a very questionable policy pursued towards them. The most flagrant instance of the sort that took place occurred in the autumn of this year, 1798, off the port of Havana," in the outrage committed by the British seventy-four, the Carnatick, on the American sloop-of-war Baltimore, of twenty guns, of which Mr. Cooper gives a detailed account, and expresses his "deep mortification that, after the experience of the contest of the Revolution, the American character should have fallen so low,

* See a note, containing large extracts from the documents on this subject, in Benton's "*Abridgement of the Debates of Congress*," vol. ii., pp. 389–98.

that an officer of any nation might dare to commit an outrage as violent as that perpetrated by the commander of the Carnatick."* During the year 1799, not less than twenty-eight vessels of war, ranging from the forty-four gun frigate to the sloop carrying but twelve, were not only in commission, but actively engaged; four separate squadrons being employed in the West Indies alone.

1799.

Our limits do not admit of details: we can only give a few examples of the skill and bravery of the officers and men in the navy of that day, referring to Mr. Cooper's valuable volumes for particulars. Early in June, 1798, the French privateer schooner, Le Croyable, was captured by the Delaware, and was the first vessel ever taken by the navy since its organization under the federal government. She was named the Retaliation, was placed under command of Lieutenant Bainbridge, and towards the close of the year was recaptured by a French frigate, being thus the first cruiser taken by both parties in the war. Bainbridge, by a confident false statement of the force and weight of metal of the Montezuma and the Norfolk, with whom he was cruising in company off Guadaloupe, secured them from pursuit, and was taken to Guadaloupe, the governor of which, after a vain endeavor to induce him to consent to a declaration, on the part of the United States, that his island should be regarded and treated as *neutral* during the existing state of things, sent him in his own sloop back to America as a cartel; and he received in sign of the approbation of the administration, promotion to the rank of master-commandant, and the command of the Norfolk, one of the vessels he had saved from the overwhelming force of the French frigates.

1798.

It was with a view to induce Bainbridge to commit his country to the declaration of the neutrality of Guadaloupe, that the governor resorted to acts of great severity towards the American prisoners. This being reported by Bainbridge, an act was passed for retaliating upon French prisoners, in case of the recurrence of similar outrages; an act which caused bitter party disputes and recriminations.

During the next year, ample reprisals were made, for, on the 9th of February, as the Constellation, Commodore Truxtun, was cruising in her prescribed ground, she made a large ship in the southern board; and being to windward, ran down towards the stranger, who at first showed the stars and stripes, but shortly afterwards the tricolor, and then fired a gun to windward, by way of challenge, keeping under every sail to invite a contest. "When the Constellation got abeam of the French frigate," says Mr. Cooper, "and so near as to have been several times hailed, she opened her fire, which was returned promptly and with spirit. The Constellation drew gradually ahead, both ships maintaining a fierce cannonade. The former suffered most in her sails and rigging, and while under the

1799.

* Cooper's "*Naval History*," vol. i., pp. 157–63.

heaviest of the fire of her antagonist, the fore top-mast was badly wounded, quite near the lower cap. The foretop was commanded by Mr. David Porter, a midshipman of great promise, and, finding that his hails to communicate this important circumstance were disregarded, in the heat of the combat this young officer took on himself the responsibility of cutting the stoppers and of lowering the yard. By thus relieving the spar of the pressure of the sail, he prevented the fall of the top-mast and all its hamper. In the mean time the weight and effect of the fire were altogether in favor of the Constellation, and notwithstanding that injury, she was soon able to throw in two or three raking broadsides, which decided the combat. After maintaining a close contest, in this manner, of about an hour, the Constellation shot out of the smoke, wore round, and hauling athwart her antagonist's stern, was ready again with every gun to rake her, when the enemy struck."

She proved to be the French frigate L'Insurgente, Captain Barreault, which captured the Retaliation, and was one of the fastest ships in the world. The Insurgente was much cut up, having lost twenty-nine men killed, and forty-one wounded. The Constellation, on the other hand, though she was a good deal damaged aloft, suffered no material injury in her hull, and had only three men wounded.

Our naval historian honorably lessens the exultation over this victory, by comparing the superior weight of metal of the Constellation's guns with that of its antagonist's. Yet we must remember that with the French lay the *prestige* of naval triumphs; for, excepting the privateering successes of Paul Jones, and others, against the British in the old war, America had nothing naval to boast, not even the possession of a fleet. The prize was secured; and, in spite of an attempt made by the crew, one hundred and seventy-three in number, to rise upon the men and officers, only thirteen in all, put in possession of her, she was carried off. Taken into the service as a thirty-six, and put under the command of Captain Murray, she was permitted to cruise, with a roving commission.

Notwithstanding the probabilities that France would retreat from the contest at sea, Congress, during the year, bestowed attention upon invigorating and improving the naval service, and new regulations were introduced as substitutes for such of the old ones as were found defective.

During the latter part of February, the select committee on the petitions for a repeal of the alien and sedition laws reported, in a very able document, against the prayer of the petitioners. Mr. Benton gives a good abstract of the debates upon the resolutions introduced by the committee, which the student will do well to consult. The resolutions were carried by a vote of fifty-two to forty-eight.* In addition to the interest on the public debt, and without reckoning $2,000,000 that were contingent upon the increase of the army, $9,000,000 were appropriated

* "*Abridgement of the Debates of Congress*," vol. ii., pp. 373–85.

to the service of the year. To meet which, beside the established sources of revenue, there were the "direct tax," and another loan of $5,000,000. A new expense was incurred this session by the increase of the salaries of most of the officers of the federal government, from the secretary of state downwards, in spite of the strong opposition made to this increase. It may be worth noticing here, that the republicans, when they came into power, did not feel called upon to reduce the salaries back to their former rates. On the 3d of March, the fifth Congress closed its last session.

In endeavoring to form a just and candid view of the future course of the president, and of its effect upon the position and fate of the federal party, then in power, there are several matters which require to be borne in mind. France, at war with England, conscious of insecurity in consequence, lamentably in want of funds, never seriously purposed to go to war with the United States. All that she wanted she expected to get by the peculiar line of conduct she adopted; letting loose a horde of pirates against the commerce of America; bullying her ambassadors in the hope of tribute; and tampering with the factious adherents that she was able to claim in the United States. France felt not the least concern respecting the immorality of her schemes; her foreign minister, with his maxim, that the use of language is to conceal, not reveal, our thoughts, was equal to any amount or species of diplomatic duplicity.

It is also to be noted, that our country and her rulers had no intention whatever of allowing their gratitude for the services of France to involve them in a sort of vassalage to that earliest ally; and that they dealt straightforwardly with those piracies and insults. The preparations for war made so vigorously under the inspiration of Adams's messages and speeches; the refusal to grant loan or bestow douceur upon the Directory; the suspension of diplomatic intercourse with France; and the publication of the dispatches of the envoys; totally disconcerted Talleyrand's plans; and had the policy which Hamilton and others advocated as the only right and true policy with regard to France, been followed, that unscrupulous politician at the head of the Directory would have been compelled to pursue a very different course from that which was opened to him by Mr. Adams's overtures for a fresh negotiation.

The reader will recollect, that the president, in June 1798, (see p. 424,) had said, "I will never send another minister to France, without assurances that he will be received, respected, and honored as the representative of a great, free, powerful, and independent nation;" and that, although he was unwilling to use the positive language advised by the cabinet in respect to further negotiations, he still, on the 12th of December (see p. 451) declared, that he had "seen no real evidence of any change of system or disposition in the French republic towards the United States." In the present state of the public mind, deeply outraged by the continued and gross insults and injuries which the profligate government

of France heaped upon our country and her commerce, and fully roused to the point of firm, united resistance, the federalists, as a body, resolved to maintain the dignified attitude which had been assumed, and to insist that overtures should be made by France for an amicable settlement of difficulties and disputes between the two nations. They thought that they had a right to exact of the president that he should carry out this national policy, and not subject them to the disgrace and ruin which must follow from a change in the course which they deemed wisest and best to pursue.

Mr. Adams, who appears to have been restive under the restrictions of party policy, and especially sensitive as to the interference of Hamilton with any matters of public concern, revolved, in his own mind, the course which he should pursue. Under the influence of Gerry, to a considerable extent, and perhaps not without ex-

1799. pectations of conciliating the republicans with reference to a second election to the presidential chair, Mr. Adams suddenly adopted a measure which caused consternation in the ranks of the federalists, and clearly presaged the downfall of the party and the rise of the republicans to power. The purity of his motives, and the sincere desire to promote the interests of his country, we do not question; but it may well be doubted, whether he acted wisely or considerately in the hasty steps which he took at this eventful period.

Mr. Adams's grandson, in his carefully prepared narrative of this period of the second president's career, gives all the force possible to the reasons which seemed to have decided Mr. Adams to adopt the plan upon which he set his mind. Mr. Gibbs, on the other hand, is very severe in reprehending what he considers the vacillating and unworthy course of the president in the whole matter. Without entering into the discussion here, it may be sufficient to state, that Mr. Adams had, at best, but indirect and uncertain assurances that a new embassy would be any better received than was the former one. Dr. Logan's self-appointed mission we have alluded to above; Joel Barlow also wrote a long letter to Washington, which he sent to the president, conveying statements which undertook to show that France was really desirous of peace; and Mr. Vans Murray, the American minister at the Hague, received, in October, 1798, through M. Pichon, the French chargé d'affaires, an informal message from Talleyrand, in these words of the arch-diplomatist's letter to Pichon,—"You were right to assert that whatever plenipotentiary the government of the United States might send to France, in order to terminate the existing difference between the two countries, he would be undoubtedly received with the respect due to the representative of a free, independent, and powerful nation." These, although manifesting clearly enough that France did not desire or mean to go to war, were hardly the clear, direct, and full assurances that the president had a right to demand before determining upon the step which followed. Never-

theless, Mr. Adams saw fit to be governed by them, and he acted accordingly. "His convictions of duty," as his grandson remarks, "were never more clear. War impended over the country, and a chance was yet left to avert it. He was bound not to permit that chance, however slight, to escape. He meditated the means in his own secret heart. There was but one way. He ought to send to the Senate a communication nominating a minister to go to France, and the person must be the individual through whom the overtures for accommodation had been transmitted, William Vans Murray, now minister at the Hague."*

On the 18th of February, without any communication with his cabinet, and without any consultation with the federalists in either House, the president nominated to the Senate **1799.** Mr. William Vans Murray as minister-plenipotentiary to the French republic. "Had a thunderbolt fallen upon that body, it could not have produced more amazement. Warlike preparations, pursuant to the recommendations of the speech, had been adopted; up to that very hour, every measure had been in reference to prospective war, and now the action of the political engine was suddenly reversed, at the moment when its every joint was strained to the utmost."†

Mr. Jefferson, writing to Mr. Madison, under date of the 19th of February, gives an account of this matter. "The event of events was announced to the Senate yesterday. . . . . The president nominated to the Senate William Vans Murray, minister-plenipotentiary to the French republic; and added, that he shall be instructed not to go to France without direct and unequivocal assurances from the French government, that he shall be received in character, enjoy the due privileges, and a minister of equal rank, title, and power be appointed to discuss and conclude our controversy by a new treaty. This had evidently been kept secret from the federalists of both Houses, as appeared by their dismay. The Senate have passed over this day, without taking it up. It is said they are gravelled and divided; some are for opposing, others do not know what to do. But in the mean time, they have been permitted to go on with all the measures of war and patronage, and when the close of the session is at hand, it is made known." With great keenness of political vaticination, Mr. Jefferson also pronounced of this measure of the president, that "it silences all arguments against the sincerity of France, and renders desperate every further effort towards war."

After two days' delay, the nomination was referred to a committee of five, who waited on the president to remonstrate with him. Adams was firm, but offered to join with Mr. Vans Murray two other persons, to proceed on the mission so soon as the requisite assurance should be obtained that they would be favorably received. **1799** On the 25th of February, a second message was sent, naming Patrick

* "*Life and Works of John Adams*," vol. i., p. 543.
† Gibbs's "*Administrations of Washington and Adams*," vol. ii., p. 189.

Henry and Oliver Ellsworth (then chief justice) joint ambassadors with Murray, and the Senate accepted the revised proposal. But Henry declined the honor on account of his age: "Nothing short of absolute necessity," said he, "could induce me to withhold my feeble aid from an administration, whose abilities, patriotism, and virtue deserve the gratitude and reverence of all their fellow-citizens." In his place General William R. Davie, the recently appointed governor of North Carolina, was nominated. The departure of Ellsworth and Davie was, however, postponed until satisfactory assurances respecting the reception of an embassy had reached the president; and they did not leave America till the 5th of the following November.

On the 6th of March, the secretary of state dispatched to Mr. Murray his commission as joint envoy, and directed him on the point of obtaining proper assurances as to the reception of the embassy by the French government. On the evening of the 10th, the president and his cabinet discussed and agreed upon the terms on which negotiations were to be conducted.* The next day, in the midst of the press of business, the president hurried away to his house at Quincy, a step which his grandson characterizes as "a great error."

Early in May, Murray received his instructions, and addressed a note to Talleyrand on the subject. Talleyrand answered on the 12th of May, repeating the assurances expected, and rather impertinently complaining of delays on the part of the president. Mr. Murray's dispatch did not arrive in America until the 30th of July. Adams, early in August, directed that the envoys should get ready for immediate departure, and requested the secretary of state to get ready a draft of instructions, and send it to him for approval. The yellow fever having broken out in Philadelphia, the offices of state were removed to Trenton towards the close of the month, and the instructions were completed early in September. Mr. Gibbs (vol. ii., pp. 251–261) gives the articles of instruction, and Wolcott's review of them, which is worth consulting. On the 11th of September, they were transmitted to the president. At the same time information was sent to Mr. Adams of the revolution of the 30th Prairial, by which the Directory was overthrown, and it was suggested by the cabinet that the departure of the envoys ought to be delayed in consequence. Early in October, Mr. Adams left Quincy, called on Judge Ellsworth at Windsor, and reached Trenton on the 10th of October. Mr. Davie was already there, as was also Alexander Hamilton, on business of the army. Judge Ellsworth arrived a day or two later. The news from Europe seemed to indicate the probability of a restoration of the Bourbons, and a postponement of the mission was urged upon the president. On the 15th, the instructions were again discussed and settled upon at a late hour of the evening, the other point of delay be-

* Mr. C. F. Adams claims, (p. 550,) that the more conservative portion of the federalists, John Marshall, Lincoln, Dexter, and others, with two of the members of the cabinet, supported the course of the president in making these advances towards fresh negotiation.

ing left open. The next morning, Mr. Adams laconically sent word to the secretary of state to prepare the necessary papers for the use of the envoys, and that the frigate United States should convey them to their destination at the beginning of November.*

Bearing in mind the detail just given, we shall quote a passage or two from one of the "Cunningham Letters," as worth the reader's attention. "Before I left Philadelphia, I had called together all the five heads of departments to consult upon instructions to Mr. Ellsworth, Mr. Davie, and Mr. Murray, in their negotiations with France. We had met several days, and discussed every point in controversy. We had reasoned, and examined, and convinced one another, until we had agreed *unanimously* upon every article, and reduced the whole to writing. I gave it to the secretary of state to reduce it into form, correct the language where it wanted any alteration, make a fair copy, and send it as soon as possible to me at Quincy for revision and correction, that I might sign the instructions to be delivered to the envoys.

1799.

"Arrived at Quincy, I expected them by every post. Week after week passed away, and no instructions arrived. I was uneasy, because our envoys ought to be upon their passage. After a long time, instead of instructions, came a letter to me signed by all five of the heads of departments, advising and most earnestly entreating me to *suspend the embarkation* of the ministers. This trifling, this negligence of duty, this downright disobedience of my orders, most seriously alarmed me. I was responsible *alone* to my country, for measures which I knew to be indispensable to avoid a war abroad with France, and a civil war at home; while we were involved and embroiled with England in very difficult controversies, and *I could get nothing done.* I very coolly, however, preserved my temper, and set off immediately for Trenton, to meet my gentlemen face to face. At Trenton I found the gentlemen had wrought themselves up to a perfect enthusiasm and delusion." The members of the cabinet, as above noted, were anticipating the speedy restoration of the Bourbons by means of Austria and Russia, Great Britain furnishing the money. He proceeds; "I heard all their reasons with the utmost coolness and candor; gave my reasons and opinions in answer to theirs; and decided that the instructions should be finished, and the ambassadors embarked as soon as possible, *which was done;* and they brought back peace abroad and at home.* I found Hamilton at Trenton. He came

* Compare Mr. Gibbs's statements (vol. ii., pp. 267–77,) with the account given by Mr. C. F. Adams, (vol. i., pp. 551–59.) Mr. Adams argues warmly, that the last charge which ought to be made against the president is, that which charges him with being deficient in decision and energy of character, for "These were the characteristics which had been the most fully developed in the course of his career, and made the basis of his reputation as a public man."

* Some ten years afterwards, Adams, writing to Cunningham, indulges himself in eulogizing the chief events of these years. "A glorious and triumphant war it was. Instead of hearing of vessels taken in our rivers, and burnt in our harbors, as we have done for a long time, not a hostile sail dared to spread itself on any part of our vast sea-coast. Instead of our merchant ships being taken by scores, and our property captured by millions in the West Indies, we

to visit me. I said nothing to him upon politics. He began to give his advice unasked. I heard him with perfect good humor," etc., going on to say, among other disparaging things, that "never in his life did he hear a man talk more like a fool."

The effect of this dissension between the president and his cabinet, together with the results of the mission to France, was fatal to the continuance of the federal party in power, and the gloomy foreboding of defeat seemed to have been widely spread. The way, too, was directly opened for what Mr. Jefferson termed the "Republican Revolution of 1801."

Early in February, 1799, symptoms of discontent, and a spirit of resistance to the laws, began to manifest itself in Western Pennsylvania, which had once before been the scene of a formidable insurrection. The levying of the direct tax caused so much dissatisfaction, and was resisted with so much violence, that it was deemed necessary to apprehend some of the most forward of the rioters, and the district court accordingly authorized the seizure of about thirty persons. John Fries, or Captain Fries, of the county of Northampton in Pennsylvania, had already made himself conspicuous by the threats he had uttered against the assessors; and now he put himself **1799.** at the head of a band of some hundred armed men, on foot and on horseback, marched to Bethlehem, collected before the house in which were the marshal and his prisoners, and demanded them in so hostile a manner that the marshal considered it better to accede to their requirement, and the prisoners were liberated. This happened in the beginning of March, 1799. The president having issued a proclamation commanding submission to the laws, Governor Mifflin summoned the militia, who, with a body of regulars, the whole under command of General McPherson, on the 20th of March, proceeded to quell the insurrection. Fries and a number of the ringleaders were taken in arms. Being put upon his trial for treason, he was brought in guilty. The court, however, permitted him a new trial, because one of the jurors had previously committed himself against the man.

We may mention, in this connection, that Fries had a new trial in April, 1800, and was a second time brought in guilty; there being no doubt of his having done his best to "levy war" against the government. His counsel endeavored to put the judge on this trial, Samuel Chase, into the wrong. Fries was, however, sentenced to death; and then, not long after, the president, influenced, we are persuaded, by humane considerations, but greatly to the surprise of the fed-

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cleared the whole seas, and not a privateer or picaroon, or even a frigate, dared show its head. The proud *pavillon* of France was, in many glaring instances, humiliated under the eagle and stripes of the United States. But the greatest triumph of all was, that the haughty Directory, who had demanded tribute, refused to receive our ambassadors, and formally and publicly, by an act of government, declared that they would not receive any more ministers from the United States till I had made excuses and apologies for some of my speeches, were obliged to humble themselves, retread all their declarations, and transmit to me the most positive assurances, in several various ways, both official and unofficial, that they would receive my ministers, and make peace on my own terms."

eralists, pardoned him for his crime against the state. Hamilton and others of the federal party denounced the president's course as a "fatal concession to his enemies," and as intended to gain him popularity in Pennsylvania against the approaching election.*

Another event, out of which some political capital was attempted to be made, deserves to be put on record. In the summer of this year, the British consul at Charleston caused a man calling himself Nathan Robbins, to be brought before Judge Bee, of the District Court, on suspicion of being concerned in the mutiny of the British frigate, Hermione, two years before, that he might be sent to Jamaica for trial, in accordance with the twenty-seventh article of Jay's treaty, which provided for the extradition of persons guilty of murder and forgery. The judge, hesitating as to his course, the British minister, Mr. Liston, applied to the secretary of state for the fugitive mutineer, and Pickering sent to Judge Bee the president's "advice and request" to deliver him up.

1799.

The counsel for Nathan Robbins, *alias* Thomas Nash, produced in court a notarial certificate, dated New York, May 20th, 1795, to the effect that one *Jonathan* Robbins was a citizen of the United States; and the fellow in question—but as *Jonathan*, not Nathan, Robbins, made affidavit in court that he was a native of Danbury, Connecticut, and having been pressed from on board the Betsy, of New York, two years before, chanced to be in the Hermione, at the time of the mutiny, to which, however, he denied giving any assistance.

Nash or Robbins was delivered up to the British authorities, was taken to Jamaica, tried by a court-martial and executed, confessing himself to be an Irishman.

The republican leaders in Congress, thinking that here was a good opportunity to do something to the prejudice of their opponents, on the 4th of February, 1800, called upon the president for the papers relating to the case of Robbins. Jefferson also helped along the matter by his advice and letters.

Adams sent the papers demanded without delay; and to the surprise and disappointment of the movers in this affair, it appeared by two certificates, from the authorities of Danbury, that no Jonathan or Nathan Robbins, nor anybody else of the name of Robbins, had ever been known at Danbury in Connecticut; and by two extracts of letters from Sir Hyde Parker, dated Port Royal Harbor, Jamaica, that before his execution, to which he was sentenced by a court-martial, Nash confessed himself an Irishman; having been, as it appeared from the books of the Hermione, born at Waterford, and beginning his career as a volunteer on board the Dover, whence he was transferred to the Hermione in 1793. Resolutions of censure were next moved on the 20th of February, and debated with great vehemence by Livingston, Gallatin, and Nicholas, on the one side, and Bayard, Harper, Otis, and Dana

* See Mr. Gibbs's remarks, vol. ii., pp. 360–62; compare Mr. C. F. Adams's statements, vol. i., pp. 571–74.

on the other. It was on the 6th of March, that John Marshall delivered that profound and learned speech which, as Mr. Justice Story says, "silenced opposition, and settled then and forever the points of national law upon which the controversy hinged." The motion was negatived by a vote of sixty-two against thirty-five.* **1800.**

"This incident," says Sullivan, "is strongly illustrative of the times. It is well remembered, that the impression sought to be made on the public mind was, that the president had delivered up *one of his own countrymen*, in obedience to British requisition, to be *hung;* notwithstanding the accused *citizen* had done no more than he lawfully might do, to escape from the tyrannical *impressment* of the mistress of the seas. It is not surprising that any administration should be overthrown, when such calumnies were received as truths."

In June of this year, 1799, commercial intercourse was reopened with St. Domingo, the negroes having thrown off the French yoke, and, under the rule of Toussaint L'Ouverture, essayed to organize an independent republic. A treaty of amity and commerce with Prussia, was concluded at Berlin in July, in negotiating which, the president's son, John Quincy Adams, first justified the eulogy which Washington had pronounced upon him before he had been engaged in any public service,—"There remains no doubt in my mind, that he will prove himself the ablest of all our diplomatic corps." **1799.**

The Kentucky and Virginia Resolutions (see p. 450) were transmitted to the executives of the several states, and in due course of time replies were received expressive of the disapprobation of the legislatures, and showing that the doctrines contained in the Resolutions were not concurred in by any state legislature. On the 14th of November, 1799, the legislature of Kentucky took up for consideration the answers of the legislatures of other states to the resolutions of 1798, whereupon the committee's report was read and agreed to unanimously by the House, as follows

"The Representatives of the good people of this commonwealth, in general assembly convened, having maturely considered the answers of sundry states in the Union, to their resolutions passed at the last session, respecting certain unconstitutional laws of Congress, commonly called the alien and sedition laws, would be faithless indeed to themselves, and to those they represent, were they silently to acquiesce in the principles and doctrines attempted to be maintained in all those answers, that of Virginia only excepted. To again enter the field of argument, and attempt more fully or forcibly to expose the unconstitutionality of those obnoxious laws, would, it is apprehended, be as unnecessary as unavailing. We cannot, however, but lament that in the discussion of those interesting subjects, by sundry of the legislatures of our

* See Benton's "*Abridgement of the Debates of Congress*," vol. ii., pp. 444–69. "The opposition," says Tucker, (vol. ii., p. 68,) "seemed about to triumph, when General Marshall made an argument of so much power and skill as to turn the current the other way. He even attained the rare success of convincing some of his opponents, and of silencing those whom he could not convince."

sister states, unfounded suggestions, and uncandid insinuations, derogatory of the true character and principles of the good people of this commonwealth, have been substituted in place of fair reasoning and sound argument. Our opinions of these alarming measures of the general government, together with our reasons for those opinions, were detailed with decency and with temper, and submitted to the discussion and judgment of our fellow-citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those states who have denied or attempted to obviate the great truths contained in those resolutions, we have now only to submit to a candid world. Faithful to the true principles of the Federal Union, unconscious of any designs to disturb the harmony of that Union, and anxious only to escape the fangs of despotism, the good people of this commonwealth are regardless of censure or calumniation. Lest, however, the silence of this commonwealth should be construed into an acquiescence in the doctrines and principles advanced and attempted to be maintained by the said answers, or lest those of our fellow-citizens throughout the Union, who so widely differ from us on those important subjects, should be deluded by the expectation that we shall be deterred from what we conceive our duty, or shrink from the principles contained in those resolutions; therefore,

"*Resolved*, That this commonwealth considers the Federal Union, upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several states; That it does now unequivocally declare its attachment to the Union, and to that compact, agreeable to its obvious and real intention, and will be among the last to seek its dissolution: That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the state governments, and the erection upon their ruins of a general consolidated government, will be the inevitable consequence: That the principle and construction contended for by sundry of the state legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism, since the *discretion* of those who administer the government, and not the *Constitution*, would be the measure of their powers: That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction, and *that a nullification by those sovereignties, of all unauthorized acts done under color of that instrument, is the rightful remedy:* That this commonwealth does, upon the most deliberate reconsideration, declare, that the said alien and sedition laws are, in their opinion, palpable violations of the said Constitution; and, however cheerfully it may be disposed to surrender its opinion to a majority of its sister states in matters of ordinary or doubtful policy, yet, in momentous regulations like the present, which so vitally wound the best rights of the citizen, it

would consider a silent acquiescence as highly criminal: That although this commonwealth, as a party to the federal compact, will bow to the laws of the Union, yet it does at the same time declare, that it will not now, nor ever hereafter, cease to oppose in a constitutional manner, every attempt, from what quarter soever offered, to violate that compact. And, finally, in order that no pretexts or arguments may be drawn from a supposed acquiescence on the part of this commonwealth in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the federal compact, this commonwealth does now enter against them its SOLEMN PROTEST."

The same subject was referred to a committee in the Virginia legislature,* and a report was prepared by Mr. Madison, which was very long and very elaborate. The concluding resolution, together with the report, were adopted in February, 1800. The resolution was in these words:

"*Resolved*, That the General Assembly, having carefully and respectfully attended to the proceedings of a number of the states, in answer to their resolutions of December 21, 1798, and having accurately and fully re-examined and reconsidered the latter, find it to be their indispensable duty, to adhere to the same, as founded in truth, as consonant with the Constitution, and as conducive to its preservation; and more especially to be their duty to renew, as they do hereby renew, their protest against 'the alien and sedition acts,' as palpable and alarming infractions of the Constitution."

The sixth Congress commenced its first session on the 2d of December. The federalists were still in the majority, although strenuous efforts had been made by the opposition to increase their numbers. Sedgwick was again chosen speaker of the House, and Samuel Livermore, the vice-president being absent, was appointed president of the Senate. **1799.**

The president's speech,* after a general reference to the circumstances of the assembling of the sixth Congress, spoke of Fries's insurrection, earnestly recommended "a revision and amendment of the judiciary system;" glanced at the relation of the Union with France, Great Britain, and St. Domingo; informed the Houses of the prospective removal of the seat of government to the federal city; and by way of enforcing the passing mention of financial affairs, specially addressed to the Representatives, concluded by pointing out the wisdom and necessity of persevering "in a system of national defence," as "a means of maintaining our just rights;" "for," said he, most truly, "remotely as we are placed from the belligerent na-

* Singularly enough, Madison was now fighting under the banners of a party whom he had formerly opposed earnestly, and Patrick Henry, who was a warm opponent of the Constitution before its adoption, was now ready to do battle on the federal side. He had been elected to the legislature; but he died before its meeting. Had his life been spared, we should have had his patriotic and eloquent protest against the doctrines of the Kentucky and Virginia Resolutions of the preceding year.

* "The speech is quite short, but in dignity and simplicity it holds its rank with all the other public papers of this administration."—"*Life and Works of John Adams*," vol. i., p. 560.

tions, and desirous as we are by doing justice to all to avoid offence to any, nothing short of the power of repelling aggressions, will secure to our country a rational prospect of escaping the calamities of war, or national degradation." And thus the work of the session was begun.

We shall not, however, continue our narrative at this moment; for hardly had Congress commenced its session, when, on a sudden, a blow fell upon the United States that bowed the hearts of the people as the heart of one man. The great, the noble, the pure-minded patriot, George Washington, died, and a great and sore lamentation and mourning went up from every American hearth and household, to testify the profound love and veneration with which he was regarded by his countrymen.

We shall devote a separate chapter to the account of Washington's last days, and, as is but right, speak somewhat fully of his character and career.

APPENDIX TO CHAPTER XI.

MR. MADISON'S LETTER TO EDWARD EVERETT ON THE SUBJECT OF NULLIFICATION.

"Montpelier, *August*, 1830.

"Dear Sir,—I have duly received your letter, in which you refer to the 'nullifying doctrine,' advocated as a constitutional right, by some of our distinguished fellow-citizens; and to the proceedings of the Virginia Legislature in 1798 and 1799, as appealed to in behalf of that doctrine; and you express a wish for my ideas on those subjects.

"I am aware of the delicacy of the task in some respects, and the difficulty in every respect, of doing full justice to it. But, having, in more than one instance, complied with a like request from other friendly quarters, I do not decline a sketch of the views which I have been led to take of the doctrine in question, as well as some others connected with them; and of the grounds from which it appears that the proceedings of Virginia have been misconceived by those who have appealed to them. In order to understand the true character of the Constitution of the United States, the error, not uncommon, must be avoided, of viewing it through the medium, either of a consolidated government, or of a confederated government, whilst it is neither the one nor the other; but a mixture of both. And having, in no model, the similitudes and analogies applicable to other systems of government, it must, more than any other, be its own interpreter, according to its text and *the facts of the case*.

"From these it will be seen, that the characteristic peculiarities of the Constitution are, 1 the mode of its formation; 2, the division of the supreme powers of government between the states in their united capacity, and the states in their individual capacities.

"1. It was formed, not by the governments of the component states, as the Federal Government for which it was substituted was formed. Nor was it formed by a majority of the people of the United States, as a single community, in the manner of a consolidated government.

"It was formed by the states, that is, by the people in each of the states, acting in their highest sovereign capacity; and formed consequently by the same authority which formed the State Constitutions.

"Being thus derived from the same source as the constitutions of the states, it has, within each state, the same authority as the constitution of

the state: and is as much a constitution in the strict sense of the term, within its prescribed sphere, as the constitutions of the states are, within their respective spheres; but with this obvious and essential difference, that being a compact among the states in their highest sovereign capacity, and constituting the people thereof one people for certain purposes, it cannot be altered or annulled at the will of the states individually, as the constitution of a state may be at its individual will.

"2. And that it divides the supreme powers of government, between the government of the United States, and the governments of the individual states, is stamped on the face of the instrument; the powers of war and of taxation, of commerce and of treaties, and other enumerated powers vested in the government of the United States, being of as high and sovereign a character as any of the powers reserved to the state governments.

"Nor is the government of the United States, created by the Constitution, less a government in the strict sense of the term, within the sphere of its powers, than the governments created by the constitutions of the states are, within their several spheres. It is like them organized into Legislative, Executive, and Judiciary Departments. It operates, like them, directly on persons and things. And, like them, it has at command a physical force for executing the powers committed to it. The concurrent operation in certain cases, is one of the features marking the peculiarity of the system.

"Between these different constitutional governments, the one operating in all the states, the others operating separately in each, with the aggregate powers of government divided between them, it could not escape attention, that controversies would arise concerning the boundaries of jurisdiction; and that some provision ought to be made for such occurrences. A political system that does not provide for a peaceable and authoritative termination of occurring controversies, would not be more than the shadow of a government; the object and end of a real government being the substitution of law and order, for uncertainty, confusion, and violence.

"That to have left a final decision, in such cases, to each of the states, then thirteen, and already twenty-four, could not fail to make the Constitution and laws of the United States different in different states, was obvious; and not less obvious, that this diversity of independent decisions, must altogether distract the government of the Union, and speedily put an end to the Union itself. A uniform authority of the laws is in itself a vital principle. Some of the most important laws could not be partially executed. They must be executed in all the states, or they could be duly executed in none. An impost, or an excise, for example, if not in force in some states, would be defeated in others. It is well known that this was among the lessons of experience which had a primary influence in bringing about the existing Constitution. A loss of its general authority would moreover revive the exasperating questions between the states holding ports for foreign commerce, and the adjoining states without them; to which are now added all the inland states, necessarily carrying on their foreign commerce through other states.

"To have made the decisions under the authority of the individual states, co-ordinate, in all cases, with decisions under the authority of the United States, would unavoidably produce collisions incompatible with the peace of society, and with that regular and efficient administration, which is of the essence of free governments. Scenes could not be avoided, in which a ministerial officer of the United States, and the correspondent officer of an individual state, would have rencounters in executing conflicting decrees; the result of which would depend on the comparative force of the local posses attending them, and that, a casualty depending on the political opinions and party feelings in different states.

"To have referred every clashing decision, under the two authorities, for a final decision, to the states as parties to the Constitution, would be attended with delays, with inconveniences, and with expenses, amounting to a prohibition of the expedient; not to mention its tendency to impair the salutary veneration for a system requiring such frequent interpositions, nor the delicate questions which might present themselves as to the form of stating the appeal, and as to the quorum for deciding it.

"To have trusted to negotiation for adjusting disputes between the government of the United

States and the state governments, as between independent and separate sovereignties, would have lost sight altogether of a constitution and government for the Union, and opened a direct road from a failure of that resort, to the *ultima ratio* between nations wholly independent of and alien to each other. If the idea had its origin in the process of adjustment, between separate branches of the same government, the analogy entirely fails. In the case of disputes between independent parts of the same government, neither part being able to consummate its will, nor the government to proceed without a concurrence of the parts, necessity brings about an accommodation. In disputes between a state government, and the government of the United States, the case is practically as well as theoretically different; each party possessing all the departments of an organized government, Legislative, Executive, and Judiciary; and having each a physical force to support its pretensions. Although the issue of negotiation might sometimes avoid this extremity, how often would it happen, among so many states, that an unaccommodating spirit in some, would render that resource unavailing? A contrary supposition would not accord with a knowledge of human nature, or the evidence of our own political history.

"The Constitution, not relying on any of the preceding modifications, for its safe and successful operation, has expressly declared, on the one hand—1, 'that the Constitution, and the laws made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land; 2, that the Judges of every state shall be bound thereby, any thing in the constitution and laws of any state to the contrary notwithstanding; 3, that the judicial power of the United States shall extend to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority,' &c.

"On the other hand, as a security of the rights and powers of the states, in their individual capacities, against an undue preponderance of the powers granted to the government over them in their united capacity, the Constitution has relied on—1, the responsibility of the Senators and Representatives in the Legislature of the United States to the Legislatures and people of the states; 2, the responsibility of the President to the people of the United States; and 3, the liability of the Executive and Judicial functionaries of the United States to impeachment by the Representatives of the people of the states, in one branch of the Legislature of the United States, and trial by the Representatives of the states, in the other branch: the state functionaries, Legislative, Executive, and Judicial, being, at the same time, in their appointment and responsibility, altogether independent of the agency or authority of the United States.

"How far this structure of the government of the United States is adequate and safe for its objects, time alone can absolutely determine. Experience seems to have shown that whatever may grow out of future stages of our national career, there is, as yet, a sufficient control, in the popular will, over the Executive and Legislative Departments of the government. When the Alien and Sedition Laws were passed in contravention to the opinions and feelings of the community, the first elections that ensued put an end to them. And whatever may have been the character of other acts, in the judgment of many of us, it is but true, that they have generally accorded with the views of a majority of the states and of the people. At the present day it seems well understood that the laws which have created the most dissatisfaction, have had a like sanction without doors; and that whether continued, varied, or repealed, a like proof will be given of the sympathy and responsibility of the representative body, to the constituent body. Indeed, the great complaint now is against the results of this sympathy and responsibility in the legislative policy of the nation.

"With respect to the judicial power of the United States, and the authority of the Supreme Court in relation to the boundary of jurisdiction between the Federal and State Governments, I may be permitted to refer to the thirty-ninth number of the 'Federalist,'* for the light in

* No. 89. "It is true, that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the General Government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword, and a dissolution of the compact; and that it

which the subject was regarded by its writer, at the period when the Constitution was depending; and it is believed that the same was the prevailing view then taken of it, that the same view has continued to prevail, and that it does so at this time, notwithstanding the eminent exceptions to it.

"But it is perfectly consistent with the concession of this power to the Supreme Court, in cases falling within the course of its functions, to maintain that the power has not always been rightly exercised. To say nothing of the period, happily a short one, when judges in their seats did not abstain from intemperate and party harangues, equally at variance with their duty and their dignity; there have been occasional decisions from the bench, which have incurred serious and extensive disapprobation. Still it would seem that, with but few exceptions, the course of the Judiciary has been hitherto sustained by the predominant sense of the nation.

"Those who have denied or doubted the supremacy of the judicial power of the United States, and denounce at the same time a nullifying power in a state, seem not to have sufficiently adverted to the utter inefficiency of a supremacy in a law of the land, without a supremacy in the exposition and execution of the law; nor to the destruction of all equipoise between the Federal Government and the State Governments, if, whilst the functionaries of the Federal Government are directly or indirectly elected by and responsible to the states, and the functionaries of the states are in their appointment and responsibility wholly independent of the United States, no constitutional control of any sort belonged to the United States over the states. Under such an organization it is evident, that it would be in the power of the states, individually, to pass unauthorized laws, and to carry them into complete effect, any thing in the Constitution and laws of the United States to the contrary notwithstanding. This would be a nullifying power in its plenary character; and whether it had its final effect through the Legislative, Executive, or Judiciary organ of the state, would be equally fatal to the constituted relation between the two governments.

"Should the provisions of the Constitution, as here reviewed, be found not to secure the government and rights of the states against usurpations and abuses on the part of the United States, the final resort, within the purview of the Constitution, lies in an amendment of the Constitution, according to a process applicable by the states.

"And in the event of a failure of every constitutional resort, and an accumulation of usurpations and abuses, rendering passive obedience and non-resistance a greater evil than resistance and revolution, there can remain but one resort, the last of all—an appeal from the cancelled obligations of the constitutional compact, to original rights and the law of self-preservation. This is the *ultima ratio* under all governments, whether consolidated, confederated, or a compound of both; and it cannot be doubted, that a single member of the Union, in the extremity supposed, but in that only, would have a right, as an extra and ultra-constitutional right, to make the appeal.

"This brings us to the expedient lately advanced, which claims for a single state a right to appeal against an exercise of power by the government of the United States decided by the states to be unconstitutional, to the parties to the constitutional compact; the decision of the state to have the effect of nullifying the act of the government of the United States, unless the decision of the state be reversed by three-fourths of the parties.

"The distinguished names and high authorities which appear to have asserted and given a practical scope to this doctrine, entitle it to a respect which it might be difficult otherwise to feel for it.

"If the doctrine were to be understood as requiring the three-fourths of the states to sustain, instead of that proportion to reverse the decision of the appealing state, the decision to be without effect during the appeal, it would be sufficient to remark, that this extra-constitutional course might well give way to that marked out by the Constitution, which authorizes two-thirds of the states to institute, and three-fourths to effectuate, an amendment of the Constitution, establishing a permanent rule of the highest authority, in place of an irregular precedent of construction only.

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ought to be established under the general, rather than under the local, governments; or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated."

"But it is understood, that the nullifying doctrine imports that the decision of the state is to be presumed valid, and that it overrules the law of the United States, unless overruled by three-fourths of the states.

"Can more be necessary to demonstate the inadmissibility of such a doctrine, than that it puts it in the power of the smallest fraction over one-fourth of the United States, that is, of seven states out of twenty-four, to give the law and even the Constitution to seventeen states, each of the seventeen having, as parties to the Constitution, an equal right with each of the seven, to expound it, and insist on the exposition? That the seven might, in particular instances, be right, and the seventeen wrong, is more than possible. But to establish a positive and permanent rule giving such a power, to such a minority, over such a majority, would overturn the first principle of free government, and in practice necessarily overturn the government itself.

"It is to be recollected, that the Constitution was proposed to the people of the states as *a whole*, and unanimously adopted by the states as *a whole*, it being a part of the Constitution that not less than three-fourths of the states should be competent to make any alterations in what had been unanimously agreed to. So great is the caution on this point, that in two cases where peculiar interests were at stake, a proportion even of three-fourths is distrusted, and unanimity required to make an alteration.

"When the Constitution was adopted as a whole, it is certain that there were many parts, which, if separately proposed, would have been promptly rejected. It is far from impossible that every part of a Constitution might be rejected by a majority, and yet taken together as a whole be unanimously accepted. Free Constitutions will rarely, if ever be formed, without reciprocal concessions; without articles conditioned on and balancing each other. Is there a Constitution of a single state out of the twenty-four that would bear the experiment of having its component parts submitted to the people and separately decided on?

"What the fate of the Constitution of the United States would be, if a small proportion of the states could expunge parts of it particularly valued by a large majority, it can have but one answer.

"The difficulty is not removed by limiting the doctrine to cases of construction. How many cases of that sort, involving cardinal provisions of the Constitution, have occurred? How many now exist? How many may hereafter spring up? How many might be ingeniously created, if entitled to the privilege of a decision in the mode proposed?

"It is certain that the principle of that mode would not reach further than is contemplated. If a single state can of right require three-fourths of its co-states to overrule its exposition of the Constitution, because that proportion is authorized to amend it, would the plea be less plausible that, as the Constitution was unanimously established, it ought to be unanimously expounded?

"The reply to all such suggestions seems to be unavoidable and irresistible; that the Constitution is a compact, that its text is to be expounded according to the provisions for expounding it—making a part of the compact; and that none of the parties can rightfully renounce the expounding provision more than any other part. When such a right accrues, as may accrue, it must grow out of abuses of the compact releasing the sufferers from their fealty to it.

"In favor of the nullifying claim for the states, individually, it appears, as you observe, that the proceedings of the Legislature of Virginia, in 1798 and 1799, against the Alien and Sedition Acts, are much dwelt upon.

"It may often happen, as experience proves, that erroneous constructions, not anticipated, may not be sufficiently guarded against, in the language used; and it is due to the distinguished individuals, who have misconceived the intention of those proceedings, to suppose that the meaning of the Legislature, though well comprehended at the time, may not now be obvious to those unacquainted with the contemporary indications and impressions.

"But it is believed, that by keeping in view the distinction between the governments of the states, and the states in which they were parties to the Constitution; between the rights of the parties, in their concurrent and in their individual capacities; between the several modes and objects of interposition against the abuses of power, and especially between interpositions within the purview of the Constitution, and interpositions ap-

pealing from the Constitution to the rights of nature paramount to all constitutions; with an attention, always of explanatory use, to the views and arguments which were combated, the Resolutions of Virginia, as vindicated in the Report on them, will be found entitled to an exposition, showing a consistency in their parts, and an inconsistency of the whole with the doctrine under consideration.

"That the Legislature could not have intended to sanction such a doctrine, is to be inferred from the debates in the Houses of Delegates, and from the address of the two Houses to their constituents, on the subject of the resolutions. The tenor of the debates, which were ably conducted and are understood to have been revised for the press by most, if not all, of the speakers, discloses no reference whatever to a constitutional right in an individual state, to arrest by force the operation of a law of the United States. Concert among the states for redress against the Alien and Sedition Laws, as acts of usurped power, was a leading sentiment; and the attainment of a concert the immediate object of the course adopted by the legislature, which was that of inviting the other states 'to *concur* in declaring the acts to be unconstitutional, and to *cooperate* by the necessary and proper measures in maintaining unimpaired the authorities, rights, and liberties reserved to the states respectively, and to the people.'* That by the necessary and proper measures to be *concurrently* and *co-operatively* taken, were meant measures known to the Constitution, particularly the ordinary control of the people and legislatures of the states, over the Government of the United States, cannot be doubted; and the interposition of this control, as the event showed, was equal to the occasion.

"It is worthy of remark, and explanatory of the intentions of the Legislature, that the words 'not law, but utterly null, void, and of no force or effect,' which had followed, in one of the resolutions, the word 'unconstitutional,' were struck out by common consent. Though the words were in fact but synonymous with 'unconstitutional;' yet to guard against a misunderstanding of this phrase as more than declaratory of opinion, the word 'unconstitutional' alone was retained, as not liable to that danger.

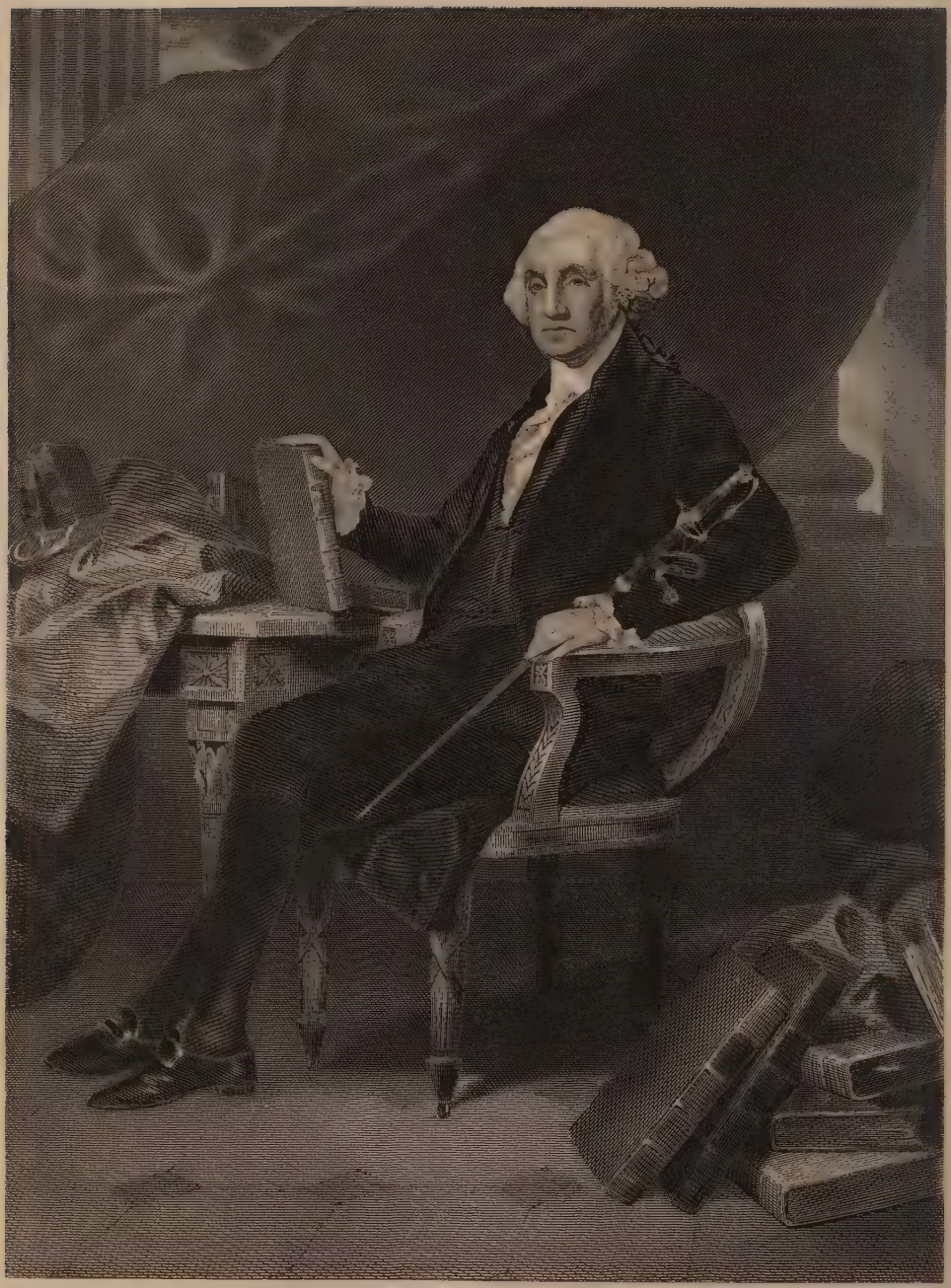
"The published Address of the Legislature to the people, their constituents, affords another conclusive evidence of its views. The address warns them against the encroaching spirit of the General Government, argues the unconstitutionality of the Alien and Sedition Acts, points to other instances in which the constitutional limits had been overleaped; dwells upon the dangerous mode of deriving power by implication; and in general presses the necessity of watching over the consolidating tendency of the federal policy. But nothing is said that can be understood to look to means of maintaining the rights of the states, beyond the regular ones, within the forms of the Constitution.

"If any further lights on the subject could be needed, a very strong one is reflected in the answers to the resolutions, by the states which protested against them. The main objection of these, beyond a few general complaints of the inflammatory tendency of the resolutions, was directed against the assumed authority of a state legislature to declare a law of the United States unconstitutional, which they pronounced an unwarrantable interference with the exclusive jurisdiction of the Supreme Court of the United States. Had the resolutions been regarded as avowing and maintaining a right, in an individual state, to arrest, by force, the execution of a law of the United States, it must be presumed that it would have been a conspicuous object of their denuncia tion.

"With cordial salutations,

"JAMES MADISON."

* See the concluding resolution of 1798.



G° Washington

CHAPTER XII.

1799.

THE DEATH AND CHARACTER OF WASHINGTON.

Washington at Mount Vernon — His deep interest in the state of public affairs — Not permitted to see peace with France restored — On the 12th of December, while out on his farm, he was exposed to cold rain and sleet — Got wet and chilled — Caught a violent cold which settled in his throat — Became very ill in the night of the 13th December — Fruitless efforts of the physicians to relieve him — Expired between ten and eleven at night, December 14th — Marshall's touching speech in the House — Resolutions adopted by Congress — Funeral ceremonies — General Lee's discourse — Universal mourning — Tributes to the memory of Washington — The most illustrious men have delineated his character — The elaborate and admirable Essay on Washington's life and character, by Mr. Henry T. Tuckerman, quoted — His careful analysis and clear exposition of the character and career of George Washington. APPENDIX TO CHAPTER XII. I. Marshall's Character of Washington. II. Obituary Notice of Washington in a London newspaper, January, 1800. III. Extract from Dr. Mason's Funeral Oration on Washington.

WASHINGTON, having given such attention to the duties of commander-in-chief of the army as seemed to be requisite in the event of an invasion by the French, retired to his home at Mount Vernon, where he divided his time between agricultural pursuits and the numerous calls upon his time and consideration, which it was impossible for him to put aside. He, in common with the rest of his countrymen, was watching the progress of events; he entered zealously into the vigorous preparations for resisting the aggressions of France; he thought that after the insults and outrage heaped upon us, the government could not honorably do otherwise than insist upon overtures being made by the Directory for a settlement of difficulties; and though it is not unlikely that he doubted, if not disapproved, of Mr. Adams's course in instituting a third embassy, yet he took no active part in the discussion, and was willing to wait the result of this new effort to obtain redress. His conviction on the subject of the French invasion, we have noted on a previous page; and it turned out as he predicted. The French had never seriously thought of war, openly declared and carried on; and having succeeded, by indirect intimations of their views and feelings, in inducing Mr. Adams to send a fresh commission, to treat with the unscrupulous heads of the government in Paris, the result, they doubted not, would be such as they desired. The American envoys set out in November, 1799, for the work with which they were charged; and Washington was anxiously looking for what was to follow upon their labors.

1799.

The end he was not privileged to see. The restoration of peace, which he de-

sired above all things, if it could be effected on honorable terms, never gladdened his heart; but, with his armor buckled on, not knowing how soon an enemy more formidable far than those whom he had met and overcome in the Revolutionary struggle, might land upon our shores, and ravage and devastate our peaceful homes, he received the summons of departure; he was called upon to lay aside his armor, and to pass away to his final account.

On Thursday, the 12th of December, he was several hours on horseback, riding about and giving various directions respecting improvements on his estate. The weather was not propitious; rain, mingled with sleet, fell freely, and Washington was wet and chilled while riding home. The water had penetrated through his overcoat, and snow was lodged about his neck and in the locks of his hair. Washington made light of the exposure, and the next day, notwithstanding a heavy fall of snow, went out for a short time. A sore throat and hoarseness convinced him that he had taken a violent cold, but he apprehended no serious results from it, and having spent the evening with his family, retired at his usual hour.

1799.

In the night he became suddenly and rapidly worse, and was seized with a severe inflammation of the wind-pipe. The disease commenced with a violent ague, accompanied with some pain in the upper and fore part of the throat, a sense of stricture in the same part, a cough, and a difficult deglutition, which were soon succeeded by fever, and a quick and laborious respiration. At his request, some twelve or fourteen ounces of blood were taken from his arm, by one of the overseers; but he would not permit a messenger to be dispatched for his family physician until the appearance of day.

About eleven in the morning of Saturday, the 14th, Dr. Craik arrived from Alexandria, and, alarmed by the symptoms of his illustrious patient, begged that he might have the advantage of consulting with the physicians, Dr. Brown, and Dr. Dick, who resided nearer Mount Vernon. Various remedies were proposed and tried; the best skill of the gentlemen present was devoted to the case; but every thing was in vain. His sufferings were acute and unabated through the day, and it was evident that he was sinking under the severity of the attack.

From the very first, Washington was convinced that this was his last sickness, and he submitted to the prescriptions of the physicians rather from a sense of duty than from any expectation of relief. Towards evening he undressed himself and went to bed, remarking, after much effort, to Dr. Craik, who was holding his head, "I die hard, doctor; but I am not afraid to die. My breath cannot last long." With the greatest difficulty in speaking, he thanked the physicians for their kindness, and asked to be permitted to die quietly in his bed. Nothing further was done, and the agonized family and friends waited the hour of his departure. Between ten and eleven o'clock at night, he expired, in the sixty eighth year of his age, and in the full possession of his mental faculties. In this short but painful illness,

he exhibited a bright example of patient resignation; and we doubt not, from the uniform tenor of his life, though he gave utterance to no expression of his feelings at the time, that he was sustained by the faith and hope of the Christian, who lies down in the grave in the confidence of a joyful resurrection at the last day.*

On Wednesday, the 18th of December, his remains, attended by a vast concourse of sorrowing citizens, and by the neighboring military companies, were deposited, with all the solemnities of religious service, in the family tomb at Mount Vernon.

And thus George Washington died, in the fulness of his days, quietly, calmly, and as a Christian man should die. His mission was accomplished; his work was done; there was no higher honor that he could receive; there was nothing left for him to do, but to die as he had lived, one of the noblest, most upright, purest-minded heroes, patriots, and statesmen with which God has ever been pleased to bless this world of ours. His death only was needed, to render his fame imperishable wherever the light of Christian civilization has dawned upon mankind.

Congress had just commenced its session, when the news of this afflictive dispensation reached Philadelphia. So brief was Washington's illness, that the intelligence of his death preceded that of his indisposition. So soon as it became known in the House, a motion for adjournment was immediately made. The next morning, December 19th, John Marshall, the intimate friend of the illustrious deceased, rose in his place, and addressed the speaker in an eloquent and touching speech, as follows: **1799.**

"The melancholy event which was yesterday announced with doubt, has been rendered but too certain. Our Washington is no more! The hero, the patriot, and the sage of America; the man on whom, in times of danger every eye was turned, and all hopes were placed; lives now only in his own great actions, and in the hearts of an affectionate and afflicted people.

"If, sir, it had even not been usual openly to testify respect for the memory of those whom heaven has selected as its instruments for dispensing good to man, yet such has been the uncommon worth, and such the extraordinary incidents which have marked the life of him whose loss we all deplore, that the whole American nation, impelled by the same feelings, would call with one voice for a public manifestation of that sorrow, which is so deep and so universal.

"More than any other individual, and as much as to one individual was possible, has he contributed to found this our wide-spreading empire, and to give to the western world, independence and freedom.

* For Mr. Lear's interesting account of the last illness, death, and funeral of Washington, see Sparks's "*Life of Washington*," pp. 531–38. In respect to Washington's religious character and convictions, there can be no doubt that he was truly and sincerely a Christian. Mr. Jefferson, we know, in his "*Anas*," (*Works*, vol. ix., p. 198,) has put on record a slanderous story respecting Washington, claiming Gouverneur Morris as authority for asserting that the father of his country was no more a Christian than was Jefferson himself; but the story is as worthless as it is untrue. See Mr. Sparks's "*Life of Washington*," pp. 518–525.

"Having effected the great object for which he was placed at the head of our armies, we have seen him convert the sword into the ploughshare, and sink the soldier into the citizen.

"When the debility of our federal system had become manifest, and the bonds which connected this vast continent were dissolving, we have seen him the chief of those patriots who formed for us a Constitution, which, by preserving the Union, will, I trust, substantiate and perpetuate those blessings which our Revolution had promised to bestow.

"In obedience to the general voice of his country, calling him to preside over a great people, we have seen him once more quit the retirement he loved, and in a season more stormy and tempestuous than war itself, with calm and wise determination pursue the true interests of the nation, and contribute more than any other could contribute, to the establishment of that system of policy which will, I trust, yet preserve our peace, our honor, and our independence.

"Having been twice unanimously chosen the chief magistrate of a free people, we have seen him, at a time when his re-election with universal suffrage could not be doubted, afford to the world a rare instance of moderation, by withdrawing from his station to the peaceful walks of private life.

"However the public confidence may change, and the public affections fluctuate, with respect to him they have, in war and in peace, in public and in private life, been as steady as his own firm mind, and as constant as his own exalted virtues.

"Let us then, Mr. Speaker, pay the last tribute of respect and affection to our departed friend. Let the grand council of the nation display those sentiments which the nation feels. For this purpose I hold in my hand some resolutions which I take the liberty of offering to the House.

"*Resolved*, That this House will wait on the President, in condolence of this mournful event.

"*Resolved*, That the speaker's chair be shrouded with black, and that the members and officers of the House wear black during the session.

"*Resolved*, That a committee, in conjunction with one from the Senate, be appointed to consider on the most suitable manner of paying honor to the memory of the Man, first in war, first in peace, and first in the hearts of his countrymen."

The Senate of the United States, on the 23d of December, addressed to the president a letter in these words:

"The Senate of the United States respectfully take leave, sir, to express to you their deep regret for the loss their country sustains in the death of General George Washington.

"This event, so distressing to all our fellow-citizens, must be peculiarly heavy to you, who have long been associated with him in *deeds of patriotism*. Permit us, sir, to mingle our tears with yours. On this occasion it is manly to weep. To lose such a man, at such a crisis, is no common calamity to the world. Our country mourns a father. The Almighty Disposer of human events, has taken from us our greatest benefactor and ornament. It becomes

us to submit with reverence to HIM, 'who maketh darkness his pavillion.'

"With patriotic pride we review the life of our WASHINGTON, and compare him with those of other countries who have been pre-eminent in fame. Ancient and modern times are diminished before him. Greatness and guilt have too often been allied; but *his* fame is whiter than it is brilliant. The destroyers of nations stood abashed at the majesty of *his* virtues. It reproved the intemperance of their ambition, and darkened the splendor of victory. The scene is closed, and we are no longer anxious lest misfortune should sully his glory; he has travelled on to the end of his journey, and carried with him an increasing weight of honor; he has deposited it safely where misfortune cannot tarnish it—where malice cannot blast it. Favored of heaven, he departed without exhibiting the weakness of humanity. Magnanimous in death, the darkness of the grave could not obscure his brightness.

"Such was the man whom we deplore. Thanks to God his glory is consummated. Washington yet lives on earth in his spotless example—his spirit is in Heaven.

"Let his countrymen consecrate the memory of the heroic general, the patriotic statesman, and the virtuous sage. Let them teach their children never to forget, that the fruits of his labors and his example *are their inheritance.*"

To this address, the president, on the same day, returned the following answer:

"I receive with the most respectful and affectionate sentiments, in this impressive address, the obliging expressions of your regret for the loss our country has sustained in the death of her most esteemed, beloved, and admired citizen.

"In the multitude of my thoughts and recollections on this melancholy event, you will permit me to say, that I have seen him in the days of adversity, in some of the scenes of his deepest distress, and most trying perplexities. I have also attended him in his highest elevation, and most prosperous felicity; with uniform admiration of his wisdom, moderation and constancy.

"Among all our original associates in that memorable *league of this continent*, in 1774, which first expressed the SOVEREIGN WILL OF A FREE NATION IN AMERICA, he was the only one remaining in the general government. Although with a constitution more enfeebled than his, at an age when he thought it necessary to prepare for retirement, I feel myself alone, bereaved of my last brother, yet I derive a strong consolation from the unanimous disposition which appears, in all ages and classes, to mingle their sorrows with mine, on this common calamity to the world.

"The life of our WASHINGTON cannot suffer by a comparison with those of other countries who have been most celebrated and exalted by fame. The attributes and decorations of *royalty* could only have served to eclipse the majesty of those virtues which made him, from being a modest citizen, a more resplendent luminary. Misfortune, had he lived, could hereafter have

sullied his glory only with those superficial minds who, believing that character and actions are marked by success alone, rarely deserve to enjoy it. *Malice* could never blast his honor, and envy made him a singular exception to her universal rule. For himself, he had lived long enough to life and to glory; for his fellow-citizens, if their prayers could have been answered, he would have been immortal; for me, his departure is at a most unfortunate moment. Trusting, however, in the wise and righteous dominion of Providence over the passions of men and the results of their actions, as well as over their lives, nothing remains for me but *humble resignation.*

"His example is now complete; and it will teach wisdom and virtue to magistrates, citizens, and men, not only in the present age, but in future generations, as long as our history shall be read. If a Trajan found a Pliny, a Marcus Aurelius can never want biographers, eulogists, or historians."

The committee of both Houses appointed to devise the mode by which the nation should express its grief, reported, on the 23d, the following resolutions, which were unanimously adopted.

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a marble monument be erected by the United States, in the Capitol at the city of Washington, and that the family of General Washington be requested to permit his body to be deposited under it; and that the monument be so designed as to commemorate the great events of his military and political life.

"*And be it further resolved,* That there be a funeral procession from Congress Hall, to the German Lutheran church, in memory of General George Washington, on Thursday, the 26th instant; and that an oration be prepared at the request of Congress, to be delivered before both Houses on that day; and that the president of the Senate, and speaker of the House of Representatives, be desired to request one of the members of Congress to prepare and deliver the same.

"*And be it further resolved,* That it be recommended to the people of the United States, to wear crape on their left arm, as mourning, for thirty days.

"*And be it further resolved,* That the president of the United States be requested to direct a copy of these resolutions to be transmitted to Mrs. Washington, assuring her of the profound respect Congress will ever bear for her person and character; of their condolence on the late afflicting dispensation of Providence; and entreating her assent to the interment of the remains of General George Washington, in the manner expressed in the first resolution.

"*Resolved,* That the president of the United States be requested to issue his proclamation, notifying to the people throughout the United States, the recommendation contained in the third resolution."

To the letter of President Adams, which transmitted to Mrs. Washington the resolutions of Congress, that she should be requested to permit the remains of General Washington to be

deposited under a marble monument, to be erected in the city of Washington, she replied, early in January, very much in the style and manner of her departed husband, and in the following words—"Taught by the great example which I have so long had before me, never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and in doing this, I need not, I cannot say, what a sacrifice of individual feeling I make to a sense of public duty."*

The ceremonies connected with the funeral of Washington were solemn and impressive. A procession, consisting of the members of the two Houses, public officers, and a large assemblage of citizens, moved from the hall of Congress, in accordance with the resolution above quoted, to the German Lutheran church, where General Henry Lee delivered a discourse appropriate to the occasion. An extract or two will not be out of place in the present connection.

"How, my fellow citizens, shall I single to your faithful hearts his pre-eminent worth? Where shall I begin in opening to your view a character throughout sublime? Shall I speak of his warlike achievements, all springing from obedience to his country's will—all directed to his country's good?

Will you go with me to the banks of the Monongahela, to see our youthful Washington supporting, in the dismal hour of Indian victory, the ill-fated Braddock, and saving, by his judgment and his valor, the remains of a defeated army, pressed by the conquering savage foe? Or when, oppressed America nobly resolving to risk her all in defence of her violated rights, he was elevated by the unanimous voice of Congress to the command of her armies? Will you follow him to the high grounds of Boston, where to an undisciplined, courageous, and virtuous yeomanry, his presence gave the stability of system, and infused the invincibility of love of country? Or shall I carry you to the painful scenes of Long Island, York Island, and New Jersey, when, combating superior and gallant armies, aided by powerful fleets, and led by chiefs high in the roll of fame, he stood the bulwark of our safety, undismayed by disasters, unchanged by change of fortune? Or will you view him in the precarious fields of Trenton, where deep gloom, unnerving every arm, reigned

* "The monument, however," as Marshall states, "has not been erected. That the great events of the political as well as military life of General Washington should be commemorated, could not be pleasing to those who had condemned, and who continued to condemn, the whole course of his administration. This resolution, although it passed unanimously, had many enemies. That party which had long constituted the opposition, and which, though the minority for the moment, nearly divided the House of Representatives, declared its preference for the Equestrian statue which had been voted by Congress at the close of the war. The division between a statue and a monument was so nearly equal, that the session passed away without appropriation for either. The public feeling soon subsided, and those who quickly recovered their ascendancy over the public sentiment, employed their influence to draw odium on the men who favored a monument; to represent that measure as a part of a general system to waste the public money; and to impress the idea that the only proper monument to the memory of a meritorious citizen was that which the people would erect in their affections. A man who professed an opinion in favor of the monument was soon branded with the mark of an anti-republican."—"*Life of Washington*," vol. ii., p. 444.

triumphant through our thinned, worn down, unaided ranks, himself unmoved? Dreadful was the night. It was about this time of winter—the storm raged—the Delaware rolling furiously with floating ice, forbade the approach of man. Washington, self-collected, viewed the tremendous scene. His country called; unappalled by surrounding dangers, he passed to the hostile shore; he fought, he conquered. The morning sun cheered the American world. Our country rose on the event, and her dauntless chief pursuing his blow, completed, in the lawns of Princeton, what his vast soul had conceived on the shores of the Delaware.

Thence to the strong grounds of Morristown, he led his small but gallant band; and through an eventful winter, by the high effort of his genius, whose matchless force was measurable only by the growth of difficulties, he held in check formidable hostile legions, conducted by a chief experienced in the arts of war, and famed for his valor on the ever memorable Heights of Abraham, where fell Wolfe, Montcalm, and since, our much lamented Montgomery, all covered with glory. In this fortunate interval, produced by his masterly conduct, our fathers, ourselves, animated by his restless example, rallied around our country's standard, and continued to follow her beloved chief through the various and trying scenes to which the destinies of our Union led.

Who is there that has forgotten the vales of Brandywine—the fields of Germantown—or the plains of Monmouth? Everywhere present, wants of every kind obstructing, numerous and valiant armies encountering, himself a host, he assuaged our sufferings, limited our privations, and upheld our tottering republic. Shall I display to you the spread of the fire of his soul, by rehearsing the praises of the hero of Saratoga, and his much-loved compeer of the Carolinas? No; our Washington wears not borrowed glory. To Gates—to Greene, he gave without reserve the applause due to their eminent merit; and long may the chiefs of Saratoga and of Eutaw receive the grateful respect of a grateful people.

Moving in his own orbit, he imparted heat and light to his most distant satellites; and combining the physical and moral force of all within his sphere, with irresistible weight he took his course, commiserating folly, disdaining vice, dismaying treason, and invigorating despondency; until the auspicious hour arrived, when, united with the intrepid forces of a potent and magnanimous ally, he brought to submission the since conquerer of India; thus finishing his long career of military glory with a lustre corresponding to his great name, and in this his last act of war, affixing the seal of fate to our nation's birth.

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First in war, first in peace, and first in the hearts of his countrymen, he was second to none in the humble and endearing scenes of private life. Pious, just, humane, temperate, and sincere; uniform, dignified, and commanding; his example was edifying to all around him, as were the effects of that example lasting.

To his equals he was condescending;

to his inferiors kind; and to the dear object of his affections exemplarily tender. Correct throughout, vice shuddered in his presence, and virtue always felt his fostering hand; the purity of his private character gave effulgence to his public virtues.

His last scene comported with the whole tenor of his life. Although in extreme pain, not a sigh, not a groan escaped him; and with undisturbed serenity he closed his well-spent life. Such was the man America has lost! Such was the man for whom our nation mourns!"

Everywhere, throughout the length and breadth of the land, the people mourned "with a great and very sore lamentation," for the death of Washington. This mourning was manifested by every token which could indicate the sentiments and feelings of Americans. Orators, divines, journalists, in short all who could write or speak, responded to the general voice of the country, and employed their talents to solemnize the event, and to honor the memory of the great and the good George Washington. It was meet, that the close of one century should be marked by the death of the noblest patriot and statesman which it had produced, and that another should commence filled with his glorious memory, and with the elevating example which he set, not for his countrymen only, but for all time and for all people.

In attempting to express in words an adequate conception of the character of Washington, we feel how poor and weak is all language, at our command, to enable us to do justice to the veneration and love with which the millions of Americans regard the father of his country. The purest patriots, the greatest orators, the most gifted statesmen, the profoundest judges of human kind, have essayed to portray the character of Washington. John Marshall, Fisher Ames, David Ramsay, Jared Sparks, Daniel Webster, John M. Mason, J. K. Paulding, Edward Everett, Washington Irving, and such like, have poured forth from their rich and varied stores, loving tributes to the memory of Washington. At home and abroad, the words of reverential homage and admiration have been uttered, and the character and career of Washington have been examined with a fulness, an exactness, and an analytical skill, rarely, if ever, bestowed upon any other man.* It would hence be vain, perhaps presumptuous, for us to hope to present any thing on this subject which has not already been said much better than it would be possible for us to express it. We shall not attempt so fruitless a task. We shall rather seek the reader's profit as well as his gratification by quoting from the admirable "Studies of Character" of Mr. Henry T. Tuckerman, a gentleman who ranks second to none in the higher walks of the biographical and critical essayist.

By Mr. Tuckerman's cordial permission, we are at liberty to extract freely from his very able analysis and clear exposition of the deep significance, the

* In the Appendix to the present chapter we give Chief Justice Marshall's summing up of the character of Washington; a very admirably written Obituary of Washington, from a London newspaper, January, 1800; and an extract from Dr. J. M. Mason's Funeral Oration on Washington, delivered February 22d, 1800. See "*Works of Dr. John M. Mason*," vol. iv., pp. 477–96.

beauty, and the grandeur of Washington's life and career.

"The memory of Washington is the highest and most precious of national blessings, and as such, cannot be approached, by artist or author, without reverence. To pervert the traits or mar the unity of such a character is to wrong, not only his sacred memory, but the dearest rights of his countrymen. . . . 'You have George the Surveyor,' said Carlyle, in his quaint way, to an American, when talking of heroes. Never had that vocation greater significance. It drew the young Virginian unconsciously into the best education possible in a new country for a military life. He was thereby practised in topographical observation; inured to habits of keen local study; made familiar with the fatigue, exposure, and expedients, incident to journeys on foot and horseback, through streams and thickets, over mountains and marshes; taught to accommodate himself to limited fare, strained muscles, the bivouac, the woods, the seasons, self-dependence, and effort. This discipline inevitably trained his perceptive faculties, and made him the accurate judge he subsequently became, of the capabilities of land, from its position, limits, and quality for agricultural and warlike purposes. A love of field-sports, the chief amusement of the gentry in the Old Dominion, and the oversight of a plantation, were favorable to the same result. Life in the open air, skilful horsemanship, and the use of the rifle, promoted habits of manly activity. To a youth thus bred in the freedom and salubrity of a rural home, we are disposed to attribute, in no small degree, the noble development of Washington. How naturally frank courage is fostered by such influences all history attests. . . . . In a word, the interest in crops and herds, in woodland and upland, the excitement of deer-shooting, the care of a rural domain, and the tastes, occupations, duties, and pleasures of an intelligent agriculturist, tend to expand and conserve what is best in human nature, which the spirit of trade and the competition of social pride are apt to dwarf and overlay. Auspicious, therefore, were the influences around the childhood and youth of Washington, inasmuch as they left his nature free, identified him with the most inartificial of human pursuits, and nursed his physical while they left unperverted his moral energies. He became attached to the kind of life of which Burke and Webster were so enamored, that they ever turned with alacrity from the cares of state to flocks and grain, planting and reaping, the morning hunt and the midsummer harvest. There would seem to be a remarkable affinity between the charms of occupations like these and the comprehensive and beneficent mission of the patriotic statesman. To draw near the heart of nature, to become proficients in the application of her laws, to be, as it were, her active coadjutor, has in it a manliness of aim, and a refreshing contrast to the wearisome anxieties of political life, and the sordid absorption of trade, which charms such noble minds, and is their best resource at once for pastime and utility.

There were, too, in that thinly peopled region over which impends the

Blue Ridge, beside the healthful freedom of nature, positive social elements at work. . . . . The society of Lord Fairfax, who, in the wilds of Virginia, emulated the courteous splendor of baronial life in England, the missions upon which he was sent by the governor of the state, combining military, diplomatic, and surveying duties, and especially the acquaintance he gained with European tactics in the disastrous campaign of Braddock,—all united, to prepare him for the exigencies of his future career; so that, in early manhood, with the athletic frame of a hunter and surveyor, the ruddy health of an enterprising agriculturist, the vigilant observation of a sportsman and border soldier, alike familiar with Indian ambush, the pathless forest, freshets and fevers, he had acquired the tact of authority, the self-possession that peril can alone teach, the dignified manners of a man of society, the firm bearing of a soldier, aptitude for affairs, and cheerfulness in privation. To the keen sense of honor, the earnest fidelity, the modesty of soul and strength of purpose which belonged to his nature, the life of the youth in his native home, the planter, the engineer, the embassador, the representative, the gentleman, and the military leader, had thus given to these instinctive traits, a harmony and a scope which already, to discriminating observers, indicated his future genius for public life and national services.

During these first years of public duty and private enterprise, it is remarkable that no brilliant achievement served to encourage those latent military aspirations which lurked in his blood. Braddock scorned his advice. Governor Dinwiddie failed to recognize his superior judgment; and he reached Fort Duquesne only to find it abandoned by the enemy. To clear a swamp, lay out a road through the wilderness, guide to safety a band of fugitives, survey faithfully the Shenandoah valley, treat effectively with Indians, and cheer a famished garrison, were indeed services of eminent utility; but it was only indirectly that they were favorable to his renown, and prophetic of his superiority. His apparently miraculous escape from bullets, drowning, and the ravages of illness, called forth, indeed, the recognition of a Providential care suggestive of future usefulness; but the perplexities growing out of ill-defined relations between crown and provincial officers, the want of discipline in troops, the lack of adequate provision for the emergencies of public service, reverses, defeats, physical and moral emergencies, thus early so tried the patience of Washington by a long endurance of care, disappointment, and mortification, unredeemed by the glory which is wont to attend even such martyrdom, that he cheerfully sought retirement, and was lured again to the field only by the serious danger which threatened his neighbors, and the prompting of absolute duty. The retrospect of this era of his life derives significance and interest from subsequent events. We cannot look back, as he must often have done from the honorable retreat of his age, without recognizing the preparatory ordeal of his career in his youth and early manhood, wherein he expe-

rienced, alternately, the solace of domestic comfort and the deprivations of a border campaign, the tranquil respectability of private station, and the responsibility of anxious office, the practice of the camp and the meditations of the council, the hunt with gentlemen and the fight with savages, the safe and happy hospitality of a refined circle and forest life in momentary expectation of an ambush. Through all these scenes, and in each situation, we see him preserving perfect self-control, loyal to every duty, as firm and cheerful amid the bitter ordeal at Fort Necessity, as when riding over his domain on a summer morning, or shooting game on the banks of the Potomac, ready to risk health, to abandon ease, to forego private interests, with a public spirit worthy of the greatest statesman, yet scrupulous, methodical, and considerate in every detail of affairs and position, whether as a host, a master, a guardian, a son, a husband, as a member of a household or a legislator, as a leader of a regiment or agent of a survey; and so highly appreciated was he for this signal fidelity within his then limited sphere, that his opinion in the social discussion, his brand on tobacco, his sign-manual to a chart, his report to a superior, and his word of advice or of censure to a dependent, bore at once and forever the sterling currency and absolute meaning which character alone bestows. In this routine of duty and vicissitude under these varied circumstances, in the traits they elicited, and the confidence they established, it is impossible not to behold a school often severe, yet adequately instructive, and a gradual influence upon the will, the habits, and the disposition of Washington, which laid the foundation, deep, broad, and firm, of his character, and confirmed the principles as well as the aptitudes of his nature.

So intimately associated in our minds is the career of Washington with lofty and unsullied renown, that it is difficult to recall him as divested of the confidence which his fame insured. We are apt to forget, that when he took command of the army his person was unfamiliar and his character inadequately tested to the public sense; officers who shared his councils, comrades in the French war, neighbors at Mount Vernon, the leading men of his native state, and a few statesmen who had carefully informed themselves of his antecedent life and private reputation, did indeed well appreciate his integrity, valor, and self-respect; but to the majority who had enlisted in the imminent struggle, and the large number who carefully watched its prospects, before committing either their fortunes or their honor, the elected chief was a stranger; nor had he that natural facility of adaptation or those conciliating manners which have made the fresh leader of troops an idol in a month, nor the diplomatic courtesy that wins political allies. . . . . In our view, no period of his life is more affecting than the early months of his command, when his prudence was sneered at by the ambitious, his military capacity distrusted even by his most intimate friend, and his 'masterly inactivity' misinterpreted by those who awaited his signal for action. The calm remon-

strance, the inward grief, the exalted magnanimity, which his letters breathe, at this crisis, reveal a heroism of soul not surpassed in any subsequent achievement. No man ever illustrated more nobly the profound truth of Milton's sentiment, 'They also serve who only stand and wait.' His was not simply the reticence of a soul eager for enterprise, the endurance of a forced passivity, with vast peril and glorious possibilities, the spur of necessity, the thirst for glory and the readiness for sacrifice, stirring every pulse and bracing every nerve; but it was his part to 'stand and wait' in the midst of the gravest perplexities, in the face of an expectant multitude, with a knowledge of circumstances that justifies the 'hope delayed,' and without the sympathy which alleviates the restless pain of 'hope deferred,' to 'stand and wait' before the half-averted eye of the loyal, the gibes of a powerful enemy, the insinuations of factious comrades,—with only conscious rectitude and trust in Heaven for support. How, in his official correspondence, did Washington hush the cry of a wounded spirit, how plaintively it half escapes in the letter of friendship; and how singly does he keep his gaze on the great cause, and dash aside the promptings of self-love, in the large cares and impersonal interests of a country, not yet sensible of its infinite need of him and of its own injustice!

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As we ponder the latest record of his life, its method and luminous order excite a new conviction of the wonderful adaptation of the man to the exigency; and it is one of the great merits of the work, that this impressive truth is more distinctly revealed by its pages than ever before. Not a trait of character but has especial reference to some emergency; the very faults of manner, as crude observers designate them, contribute to the influence and thereby to the success of the commander-in-chief. A man of sterner ambition would have risked all on some desperate encounter; a man of less self-respect would have perilled his authority, where military discipline was so imperfect, in attempts at conciliation; a man of less solid and more speculative mind would have compromised his prospects by inconsiderate arrangements; one less disinterested would have abandoned the cause from wounded self-love, and one less firm, from impatience and dismay; a man whose life and motives could not bear the strictest scrutiny would soon have forfeited confidence; and moral consistency and elevation could alone have fused the discordant element and concentrated the scattered spirit of the people. Above all, the felicitous balance of qualities, through which a moderation almost superhuman, and never so essential to the welfare of a cause, stamped the man for the mission. Not more obviously was the character of Moses adapted to that of primeval law-giver for the chosen people, not more clearly do the endowments of Dante signalize him as the poet ordained to bridge with undying song the chasm of time which separates the Middle Age from modern civilization, than the mind, the manner, the disposition, the physical and spiritual gifts, and the

principles of Washington, proclaimed him the heaven-appointed chief, magistrate, man of America. In the very calmness and good sense, the practical tone and moderate views which make him such a contrast to the world's heroes, do we behold the evidence of this. What does he proclaim as the reward of victory? 'The opportunity to become a respectable nation.' Upon what is based his expectation of success? 'I believe, or at least I hope, that there is public virtue enough left among us, to deny ourselves every thing but the bare necessaries of life to accomplish this end.' What are his private resources? 'As I have found no better guide hitherto than upright intentions and close investigations, I shall adhere to those maxims while I keep the watch.' This moderation has been well called *persuasive*, and this well-regulated mind justly declared 'born to command.' His reserve, too, was essential in such an anomalous condition of social affairs. Self-respect is the keystone of the arch of character; and it kept his character before the army and the people, his brother officers and his secret foes, the country and the enemy,—firm, lofty, unassailable, free, authoritative,—like a planet, a mountain, a rock,—one of the immutable facts of nature,—a pharos to guide, a sublimity to awe, and an object of unsullied beauty to win, by the force of spontaneous attraction. It is his distinction, among national leaders, as has been well said by our foremost ethical writer, to have been 'the centre of an enlightened people's confidence.'

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In the moral world, latent energies are the most vital. If Washington had been the cold, impassive man those whom he treated objectively declared him to be, he could not have exercised the personal influence which, both in degree and kind, has never been paralleled by merely human qualities. It was not to the correct and faithful but insensible hero, that men thus gave their veneration, but to one whose heart was as large and tender as his mind was sagacious and his will firm; the study of whose life it was to control emotion; to whom reserve was the habit inspired by a sublime prudence; whose career was one of action, and over whose conscience brooded an ever-present sense of responsibility to God and man, to his country and his race, which encircled his anxious brow with the halo of a prophet rather than the laurel of a victor. He who knelt in tears by the death-bed of his step-daughter, who wrung his hands in anguish to behold the vain sacrifice of his soldiers, who threw his hat on the ground in mortification at their cowardly retreat, whose face mantled with blushes when he attempted to reply to a vote of thanks, whose lip quivered when obliged to say farewell to his companions in arms, who embraced a brother officer in the transports of victory, and trembled with indignation when he rallied the troops of a faithless subaltern,—he could have preserved an outward calmness only by inward conflict, and only by the self-imposed restraint of passion exercised the authority of principle. When the cares of public duty were over, and the claims of official dignity satisfied, the

affability of Washington was as conspicuous as his self-respect, his common sense and humane sentiments as obvious as his modesty and heroism. The visitors at Mount Vernon, many of whom have recorded their impressions, included a singular variety of characters, from the courtier of Versailles to the farmer of New England, and from the English officer to the Italian artist; and it is remarkable, that, various as are the terms in which they describe the illustrious host, a perfect identity in the portrait is obvious.

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To a reflective mind, there is something pathetic in the gravity so often noticed as a defect in Washington. It foreshadowed, in his youth, the great work before him, and it testified, in his manhood, to the deep sense of its obligations. It betokened that earnestness of purpose wherein alone rested the certainty of eventual success. It was the solemnity of thought and of conscience; and assured the people that, aware of being the central point of their faith, the expositor of their noblest and best desires, the high-priest of national duty, it was not with the complacency of a proud or the excitement of a vain, but with the awe of a thoroughly wise and honest man, that he felt the mighty trust and the perilous distinction. Let it never be forgotten that it was his task to establish a grand precedent, untried, unheralded, unforeseen in the world. Such experiments, in all spheres of labor and of study, lead the most vivacious men to think. In science, in art, and in philosophy they breed pale and serious votaries. Such an ordeal chastened the ardent temper of Luther, knit the brow of Michael Angelo with furrows, and unnerved the frame of the starry Galileo. It is but a pledge of reality, of self-devotion, of intrepid will, therefore, that with a long and arduous struggle for national life to guide and inspire, and the foundations of a new constitutional republic to lay, the chief and the statesman should cease even to smile, and grow pensive and stern in the face of so vast an enterprise, and under the weight of such measureless responsibilities.

The world has yet to understand the intellectual efficiency derived from moral qualities,—how the candor of an honest and the clearness of an unperverted mind attain results beyond the reach of mere intelligence and adroitness,—how conscious integrity gives both insight and directness to mental operations, and elevation above the plane of selfish motives affords a more comprehensive, and therefore, a more reliable view of affairs, than the keenest examination based exclusively on personal ability. It becomes apparent when illustrated by a life and its results, that the cunning of a Talleyrand, the military genius of a Napoleon, the fascinating qualities of a Fox, and other similar endowments of statesmen and soldiers are essentially limited and temporary in their influence; whereas a good average intellect, sublimated by self-forgetting intrepidity, allies itself forever to the central and permanent interests of humanity. The mind of Washington was eminently practical; his perceptive faculties were strongly developed; the sense of beauty and the

power of expression,—those endowments so large in the scholar and the poet, were the least active in his nature; but the observant powers whereby space is measured at a glance, and physical qualities noted correctly,—the reflective instincts through which just ideas of facts and circumstances are realized,—the sentiment of order which regulates the most chaotic elements of duty and work, thus securing dispatch and precision; the openness to true impressions characteristic of intellect over which the visionary tendencies of imagination cast no delusion, and whose greatest affinity is for absolute truth,—these noble and efficient qualities eminently distinguished his mental organization, and were exhibited, as its normal traits, from childhood to age. To them we refer his prescience in regard to the agricultural promise of wild tracts and the future growth of localities, the improvement of estate, the facilities of communication, the adaptation of soils and other branches of economy. By means of them he read character with extraordinary success. They led him to methodize his life and labors, to plan with wisdom and execute with judgment, to use the most appropriate terms in conversation and writing, to keep the most exact accounts, to seek useful information from every source, to weigh prudently and decide firmly, to measure his words and manner with singular adaptation to the company and the occasion, to keep tranquil within his own brain perplexities, doubts, projects, anxieties, cares, and hopes, enough to bewilder the most capacious intellect and to sink the boldest heart. His mental features beam through his correspondence. We use the term advisedly, notwithstanding the formal and apparently cold tenor of many of his letters; for so grand is the sincerity of purpose, so magnanimous the spirit, so patient, reverent, and devoted the sentiment underlying these brief and unadorned epistles, whether of business or courtesy, that a moral glow interfuses their plain and direct language, often noble enough to awaken a thrill; and with that latent pathos that starts tears in the reader of genuine moral sensibility. The unconsciousness of self, the consideration for others, the moderation in success and the calmness in disaster, the grand singleness of purpose, the heroic self-reliance, the immaculate patriotism, the sense of God and humanity, the wise, fearless, truthful soul that is thus revealed, in self-possessed energy, in the midst of the heaviest responsibilities that ever pressed on mortal heart, with the highest earthly good in view, and the most complicated obstacles around, serene, baffled, yet never overcome, and never oblivious of self-respect, or neglectful of the veriest details of official and personal duty, is manifest to our consciousness as we read, and we seem to behold the benign and dignified countenance of the writer through the transparent medium of his unpretending letters. Compare, as illustrations of character the authenticity of which is beyond dispute, the correspondence of Washington with that of Napoleon and his brother Joseph, recently published at Paris. All the romance of spurious memoirs, all the dazzling *prestige* of military genius, fail to obviate

the impression the emperor's own pen conveys, in the honest utterance of fraternal correspondence, of an obtuse egotism, arrogant self-will, and heartless ambition. In Washington's letters, whether expostulating, in the name of our common humanity, with Gage, striving to reconcile Schuyler to the mortifications of a service he threatened to quit in disgust, freely describing his own trials to Reed, pleading with Congress for supplies, directing the management of his estate from amid the gloomy cares of the camp, acknowledging a gift from some foreign nobleman, or a copy of verses from poor Phillis Wheatley, the same perspicuity and propriety, wisdom and kindliness, self-respect and remembrance of every personal obligation, are obvious.

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His moral serenity, keeping reflection intact and forethought vigilant, is nobly manifested in the deliberate process through which, by gradual and therefore earnest conviction, he came to a decision when the difficulties between the mother country and her colonies were pending. Not one of the leading patriots of the Revolution ranged himself under its banner with more conscientious and rational motives. The same disposition is evident in his hesitation to accept a command from that self-distrust which invariably marks a great and therefore modest soul; in his subsequent calmness in defeat and sobriety in victory, in the unexaggerated view he took of the means, and his disinterested view of the ends of the momentous struggle, in the humility of spirit with which he assumed the reins of government, when called to do so by the popular suffrage, in his uniform deference to the authority of all representative assemblies, in the prescient warnings of his parting address, in the unostentatious and simple habits that followed him into retirement, and the unfaltering trust which gave dignity to his last hour. This normal characteristic of his nature, this being ever 'nobler than his mood,' is what pre-eminently distinguishes him from the galaxy of patriots, statesmen, and warriors whose names are blazoned in history; the copious rhetoric of modern republicans, the fiery and yet often compromised pride of Paoli, the selfish instincts of Marlborough, the heartless ambition of Napoleon, were never long concealed, even from the eye kindled with admiration at their prowess. Washington seems not for a moment to have forgotten his responsibility to God or his fellow-creatures; and this deep sentiment permeated his whole nature,—proof against all excitement, illusion, and circumstance. When he overheard a little boy exclaim, as the procession in his honor passed through the streets, 'Why, father, General Washington is only a man!' the illustrious guest paused in his triumphal march, looked with thoughtful interest on the child and, patting him on the head, replied, 'That's all, my little fellow, that's all.' He was, indeed, one of the few heroes who never forgot his humanity, its relations, obligations, dependence, and destiny; and herein was at once his safeguard and his glory.

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Is not the absence of brilliant mental qualities one of the chief benefactions to man of Washington's example? He conspicuously illustrated a truth in the philosophy of life, often appreciated in the domestic circle and the intricacies of private society, but rarely in history, —the genius of character, the absolute efficiency of the will and the sentiments, independently of extraordinary intellectual gifts. Not that these were not superior also in the man; but it was through their alliance with moral energy, and not by virtue of any transcendent and intrinsic force in themselves, that he was great. It requires no analytical insight to distinguish between the traits which insured success and renown to Washington, and those whereby Alexander, Cæsar, and Napoleon, achieved their triumphs; and it is precisely because the popular heart so clearly and universally beholds in the American hero the simple majesty of truth, the power of moral consistency, the beauty and grandeur of disinterestedness and magnanimity, that his name and fame are inexpressibly dear to humanity. Never before, nor since, has it been so memorably demonstrated, that unselfish devotion and patient self-respect are the great reconciling principles of civic as well as of social and domestic life; that they are the nucleus around which all the elements of national integrity, however scattered and perverted, inevitably crystallize; that men thus severely true to themselves and duty become, not dazzling meteors to lure armies to victory, or triumphant leaders to dazzle and win mankind to the superstitious abrogation of their rights; but oracles of public faith, representatives of what is highest in our common nature, and therefore an authority which it is noble and ennobling to recognize. The appellative so heartily, and by common instinct, bestowed upon Washington, is a striking proof of this; and gives a deep significance to the beautiful idea, that 'Providence left him childless, that his country might call him—Father.'"*

* "Essays, *Biographical and Critical, or, Studies of Character*," by Henry T. Tuckerman, pp. 5–28.

APPENDIX TO CHAPTER XII.

I. MARSHALL'S CHARACTER OF WASHINGTON.

GENERAL WASHINGTON was rather above the common size, his frame was robust, and his constitution vigorous—capable of enduring great fatigue, and requiring a considerable degree of exercise for the preservation of his health. His exterior created in the beholder the idea of strength united with manly gracefulness.

His manners were rather reserved than free, though they partook nothing of that dryness and sternness which accompany reserve when carried to an extreme; and on all proper occasions, he could relax sufficiently to show how highly he was gratified by the charms of conversation and the pleasures of society. His person and whole deportment exhibited an unaffected and indescribable dignity, unmingled with haughtiness, of which all who approached him were sensible; and the attachment of those who possessed his friendship, and enjoyed his intimacy, was ardent, but always respectful.

His temper was humane, benevolent, and conciliatory; but there was a quickness in his sensibility to any thing apparently offensive, which experience had taught him to watch, and to correct.

In the management of his private affairs he exhibited an exact yet liberal economy. His funds were not prodigally wasted on capricious and ill-examined schemes, nor refused to beneficial though costly improvements. They remained therefore competent to that expensive establishment which his reputation, added to a hospitable temper, had in some measure imposed upon him; and to those donations which real distress has a right to claim from opulence.

He made no pretensions to that vivacity which fascinates, or to that wit which dazzles, and frequently imposes on the understanding. More solid than brilliant, judgment, rather than genius, constituted the most prominent feature of his character.

Without making ostentatious professions of religion, he was a sincere believer in the Christian faith, and a truly devout man.

As a military man, he was brave, enterprising, and cautious. That malignity which has sought to strip him of all the higher qualities of a general, has conceded to him personal courage, and a firmness of resolution which neither dangers nor difficulties could shake. But candor will allow him other great and valuable endowments. If his military course does not abound with splendid achievements, it exhibits a series of judicious measures adapted to circumstances, which probably saved his country.

Placed, without having studied the theory, or been taught in the school of experience the practice of war, at the head of an undisciplined, ill-organized multitude, which was impatient of the restraints, and unacquainted with the ordinary duties of a camp, without the aid of officers possessing those lights which the commander-in-chief was yet to acquire, it would have been a miracle indeed had his conduct been absolutely faultless. But, possessing an energetic and distinguishing mind, on which the lessons of experience were never lost, his errors, if he committed any, were quickly repaired; and those measures which the state of things rendered most advisable, were seldom, if ever, neglected. Inferior to his adversary in the numbers, in the equipment, and in the discipline of his troops, it is evidence of real merit that no great and decisive advantages were ever obtained over him, and that the opportunity to strike an important blow never passed away unused. He has been termed the American Fabius; but those who compare his actions with his means, will perceive at least as much of Marcellus as of Fabius, in his character. He could not have been more enterprising, without endangering the cause he defended, nor have put more to hazard, without incurring justly the imputation of rashness. Not relying

upon those chances which sometimes give a favorable issue to attempts apparently desperate, his conduct was regulated by calculations made upon the capacities of his army, and the real situation of his country. When called a second time to command the armies of the United States, a change of circumstances had taken place, and he meditated a corresponding change of conduct. In modelling the army of 1798, he sought for men distinguished for their boldness of execution, not less than for their prudence in counsel, and contemplated a system of continued attack. "The enemy," said the General in his private letters, "must never be permitted to gain foothold on our shores."

In his civil administration, as in his military career, ample and repeated proofs were exhibited of that practical good sense, of that sound judgment, which is perhaps the most rare, and is certainly the most valuable quality of the human mind. Devoting himself to the duties of his station, and pursuing no object distinct from the public good, he was accustomed to contemplate at a distance those critical situations in which the United States might probably be placed; and to digest, before the occasion required action, the line of conduct which it would be proper to observe. Taught to distrust first impressions, he sought to acquire all the information which was attainable, and to hear, without prejudice, all the reasons which could be urged for or against a particular measure. His own judgment was suspended until it became necessary to determine; and his decisions, thus maturely made, were seldom if ever to be shaken. His conduct therefore was systematic, and the great objects of his administration were steadily pursued.

Respecting, as the first magistrate in a free government must ever do, the real and deliberate sentiments of the people, their gusts of passion passed over, without ruffling the smooth surface of his mind. Trusting to the reflecting good sense of the nation for approbation and support, he had the magnanimity to pursue its real interests, in opposition to its temporary prejudices; and, though far from being regardless of popular favor, he could never stoop to retain, by deserving to lose it. In more instances than one, we find him committing his whole popularity to hazard, and pursuing steadily, in opposition to a torrent which would have overwhelmed a man of ordinary firmness, that course which had been dictated by a sense of duty.

In speculation, he was a real republican devoted to the Constitution of his country, and to that system of equal political rights on which it is founded. But between a balanced republic and a democracy, the difference is like that between order and chaos. Real liberty, he thought, was to be preserved, only by preserving the authority of the laws, and maintaining the energy of government. Scarcely did society present two characters which, in his opinion, less resembled each other, than a patriot and a demagogue.

No man has ever appeared upon the theatre of public action, whose integrity was more incorruptible, or whose principles were more perfectly free from the contamination of those selfish and unworthy passions, which find their nourishment in the conflicts of party. Having no views which required concealment, his real and avowed motives were the same; and his whole correspondence does not furnish a single case, from which even an enemy would infer that he was capable, under any circumstances, of stooping to the employment of duplicity. No truth can be uttered with more confidence, than that his ends were always upright, and his means always pure. He exhibits the rare example of a politician to whom wiles were absolutely unknown, and whose professions to foreign governments, and to his own countrymen, were always sincere. In him was fully exemplified the real distinction, which forever exists, between wisdom and cunning, and the importance as well as truth of the maxim that "honesty is the best policy."

If Washington possessed ambition, that passion was, in his bosom, so regulated by principles, or controlled by circumstances, that it was neither vicious, nor turbulent. Intrigue was never employed as the means of its gratification, nor was personal aggrandizement its object. The various high and important stations to which he was called by the public voice, were unsought by himself; and, in consenting to fill them, he seems rather to have yielded to a general conviction that the interests of his country would be thereby promoted, than to an avidity for power.

Neither the extraordinary partiality of the

American people, the extravagant praises which were bestowed upon him, nor the inveterate opposition and malignant calumnies which he encountered, had any visible influence upon his conduct. The cause is to be looked for in the texture of his mind.

In him, that innate and unassuming modesty which adulation would have offended, which the voluntary plaudits of millions could not betray into indiscretion, and which never obtruded upon others his claims to superior consideration, was happily blended with a high and correct sense of personal dignity, and with a just consciousness of that respect which is due to station. Without exertion, he could maintain the happy medium between that arrogance which wounds, and that facility which allows the office to be degraded in the person who fills it.

It is impossible to contemplate the great events which have occurred in the United States under the auspices of Washington, without ascribing them, in some measure, to him. If we ask the causes of the prosperous issue of a war, against the successful termination of which there were so many probabilities? of the good which was produced, and the ill which was avoided, during an administration fated to contend with the strongest prejudices, that a combination of circumstances and of passions, could produce? of the constant favor of the great mass of his fellow-citizens, and of the confidence which, to the last moment of his life they reposed in him? the answer, so far as these causes may be found in his character, will furnish a lesson well meriting the attention of those who are candidates for political fame.

Endowed by nature with a sound judgment, and an accurate, discriminating mind, he feared not that laborious attention which made him perfectly master of those subjects, in all their relations, on which he was to decide: and this essential quality was guided by an unvarying sense of moral right, which would tolerate the employment, only, of those means that would bear the most rigid examination; by a fairness of intention which neither sought nor required disguise: and by a purity of virtue which was not only untainted, but unsuspected.

II. OBITUARY NOTICE OF WASHINGTON IN A LONDON NEWSPAPER, JANUARY, 1800.

The melancholy account of the death of General Washington was brought by a vessel from Baltimore, which has arrived off Dover.

General Washington was, we believe, in his 68th year. The height of his person was about five feet eleven; his chest full; and his limbs, though rather slender, well-shaped and muscular. His head was rather small; in which respect he resembled the make of a great number of his countrymen. His eyes were of a light grey color; and in proportion to the length of his face, his nose was long. Mr. Stuart, the eminent portrait painter, used to say, there were features in his face totally different from what he had observed in that of any other human being; the sockets of the eyes, for instance, were larger than what he ever met with before, and the upper part of his nose broader. All his features, he observed, were indicative of the strongest passions: yet, like Socrates, his judgment and great self-command have always made him appear a man of a different cast in the eyes of the world. He always spoke with great diffidence, and sometimes hesitated for a word; but it was always to find one particularly well adapted to his meaning. His language was manly and expressive. At levee, his discourse with strangers turned principally upon the subject of America; and if they had been through any remarkable places, his conversation was free and particularly interesting; for he was intimately acquainted with every part of the country. He was much more open and free in his behavior at levee than in private: and in the company of ladies still more so than when solely with men.

Few persons ever found themselves for the first time in the presence of General Washington, without being impressed with a certain degree of veneration and awe: nor did those emotions subside on a closer acquaintance; on the contrary, his person and deportment were such as rather tended to augment them. The hard service he had seen, the important and laborious offices he had filled, gave a kind of austerity to his countenance, and a reserve to his manners; yet he was the kindest husband, the most humane master, the steadiest friend. The whole range of history does not present to our view a charac-

ter upon which we can dwell with such entire and unmixed admiration. The long life of General Washington is not stained by a single blot. He was indeed a man of such rare endowments, and such fortunate temperament, that every action he performed was equally exempted from the charge of vice or weakness. Whatever he said, or did, or wrote, was stamped with a striking and peculiar propriety. His qualities were so happily blended, and so nicely harmonized, that the result was a great and perfect whole. The powers of his mind, and the dispositions of his heart, were admirably suited to each other. It was the union of the most perfect prudence with the most consummate moderation. His views, though large and liberal, were never extravagant; his virtues, though comprehensive and beneficent, were judicious and practical.

Yet his character, though regular and uniform, possessed none of the littleness which may sometimes belong to these descriptions of men. It formed a majestic pile, the effect of which was not impaired, but improved by order and symmetry. There was nothing in it to dazzle by wildness, or surprise by eccentricity. It was of a higher species of moral beauty. It contained every thing great and elevated, but it had no false and tinsel ornaments. It was not the model cried by the fashion and circumstance: its excellence was adapted to the true and just moral taste, incapable of change from the varying accidents of manners, opinions, and times. General Washington was not the idol of a day, but the hero of ages!

Placed in circumstances of the most trying difficulty at the commencement of the American contest, he accepted that situation which was preeminent in danger and responsibility. His perseverance overcame every obstacle: his moderation conciliated every opposition: his genius supplied every resource: his enlarged view could plan, revise, and improve, every branch of civil and military operation. He had the superior courage which can act or forbear to act, as true policy dictates, careless of the reproaches of ignorance—either in power or out of power. He knew how to conquer by waiting, in spite of obloquy, for the moment of victory: and he merited true praise by despising undeserved censure. In the most arduous moments of the contest, his prudent firmness proved the salvation of the cause which he supported.

His conduct was, on all occasions, guided by the most pure disinterestedness. Far superior to low and grovelling motives, his seemed even to be uninfluenced by that ambition, which has justly been called the instinct of great souls. He acted even, as if his country's welfare, and that alone, was the moving spring. His excellent mind needed not even the stimulus of ambition, or the prospect of fame. Glory was but a secondary consideration. He performed great actions, he persevered in a course of laborious utility, with an equanimity that neither sought distinction, nor was flattered by it. His reward was in the consciousness of his own rectitude, and in the success of his patriotic efforts.

As his elevation to the chief power was by the unbiassed choice of his countrymen, his exercise of it was agreeable to the purity of its origin. As he had neither solicited nor usurped dominion, he had neither to contend with the oppositions of rivals, nor the revenge of enemies. As his authority was undisputed, so it required no jealous precautions, no rigorous severity. His government was mild and gentle; it was beneficent and liberal; it was wise and just. His prudent administration consolidated and enlarged the dominion of an infant republic. In voluntarily resigning the magistracy which he had filled with such distinguished honor, he enjoyed the unequalled satisfaction of leaving to the state he had contributed to establish, the fruits of his wisdom and the example of his virtues.

It is some consolation, amidst the violence of ambition, and the criminal thirst of power, of which so many instances occur around us, to find a character whom it is honorable to admire, and virtuous to imitate. A conqueror, for the freedom of his country! A legislator, for its security! A magistrate, for its happiness. His glories were never sullied by those excesses, into which the highest qualities are apt to degenerate. With the greatest virtues, he was exempt from the corresponding vices. He was a man in whom the elements were so mixed, that "Nature might have stood up to all the world," and owned him as her work. His fame, bounded by no country, will be confined to no age. The character of General Washington, which his contempora-

ries regret and admire, will be transmitted to posterity: and the memory of his virtues, while patriotism and virtue are held sacred among men, will remain undiminished.

III. EXTRACT FROM DR. MASON'S FUNERAL ORATION ON WASHINGTON.

THE name of WASHINGTON, connected with all that is most brilliant in the history of our country and in human character, awakens sensations which agitate the fervors of youth, and warm the chill bosom of age. Transported to the times when America rose to repel her wrongs and to claim her destinies, a scene of boundless grandeur bursts upon our view. Long had her filial duty expostulated with parental injustice. Long did she deprecate the rupture of those ties which she had been proud of preserving and displaying. But her humble entreaty spurned, aggression followed by the rod, and the rod by scorpions, having changed remonstrance into murmur, and murmur into resistance, she transfers her grievances from the throne of earth to the throne of heaven, and precedes by an appeal to the God of battles her appeal to the sword of war. At issue now with the mistress of the seas—unfurnished with equal means of defence—the convulsive shock approaching—and every evil omen passing before her—one step of rashness or of folly may seal her doom. In this accumulation of trouble, who shall command her confidence, and face her dangers, and conduct her cause? God, whose kingdom ruleth over all, prepares from afar the instruments best adapted to his purpose. By an influence which it would be as irrational to dispute as it is vain to scrutinize, he stirs up the spirit of the statesman and the soldier. Minds, on which he has bestowed the elements of greatness, are brought by his providence into contact with exigencies which rouse them into action. It is in the season of effort and of peril that impotence disappears and energy arises. The whirlwind which sweeps away the glowworm, uncovers the fire of genius, and kindles it into a blaze that irradiates at once both the zenith and the poles. But among the heroes who sprung from obscurity when the college, the counting-house, and the plough, teemed with "thunderbolts of war," none could, in all respects, meet the wants and the wishes of America. She required, in her leader, a man reared under her own eye; who combined with distinguished talent a character above suspicion; who had added to his physical and moral qualities the experience of difficult service; a man who should concentrate in himself the public affections and confidences; who should know how to multiply the energies of every other man under his direction, and to make disaster itself the means of success—his arm a fortress, and his name a host. Such a man it were almost presumption to expect; but such a man all-ruling Heaven had provided, and that man was WASHINGTON.

Pre-eminent already in worth, he is summoned by his country to the pre-eminence of toil and of danger. Unallured by the charms of opulence—unappalled by the hazard of a dubious warfare—unmoved by the prospect of being, in the event of failure, the first, and most conspicuous victim, he obeys her mandate because he loves his duty. The resolve is firm, for the probation is terrible. His theatre is the world; his charge, a family of nations; the interest staked in his hands, the prosperity of millions unborn in ages to come. His means, under aid from on high, the resources of his own breast, with the raw recruits and irregular supplies of distracted colonies. O crisis worthy of such a hero! Followed by her little bands, her prayers, and her tears, Washington espouses the quarrel of his country. As he moves on to the conflict, every heart palpitates and every knee trembles. The foe, alike valiant and veteran, presents no easy conquest, nor aught inviting but to those who had consecrated their blood to the public weal. The Omnipotent, who allots great enjoyment as the meed of great exertion, had ordained that America should be free, but that she should learn to value the blessing by the price of its acquisition. She shall go to a "wealthy place," but her way is "through fire and through water." Many a generous chief must bleed, and many a gallant youth sink, at his side, into the surprised grave; the field must be heaped with slain, the purple torrent must roll, ere the angel of peace descend with his olive. It is here, amid devastation, and horror, and death, that Washington must reap his laurels, and engrave his trophies on the shields of immortality. Shall Delaware

and Princeton? Shall Monmouth and York?—But I may not particularize; far less repeat the tale which babes recite, which poets sing, and Fame has published to a listening world. Every scene of his action was a scene of his triumph. Now he saved the republic by more than Fabian caution; now he avenged her by more than Carthaginian fierceness; while at every stroke her forests and her hills re-echoed to her shout, "The sword of the Lord and of Washington!" Nor was this the vain applause of partiality and enthusiam. The blasted schemes of Britain, her broken and her captive hosts, proclaimed the terror of his arms. Skilled were her chiefs, and brave her legions; but bravery and skill rendered them a conquest more worthy of Washington. True, he suffered in his turn repulse, and even defeat. It was both natural and needful. Unchequered with reverse, his story would have resembled rather the fictions of romance than the truth of narrative; and had he been neither defeated nor repulsed, we had never seen all the grandeur of his soul. He arrayed himself in fresh honors by that which ruins even the great—vicissitude. He could not only subdue an enemy, but, what is infinitely more, he could subdue misfortune. With an equanimity which gave temperance to victory, and cheerfulness to disaster, he balanced the fortunes of the state. In the face of hostile prowess; in the midst of mutiny and treason; surrounded with astonishment, irresolution, and despondence; Washington remained erect, unmoved, invincible. Whatever ills America might endure in maintaining her rights, she exulted that she had nothing to fear from her commander-in-chief. The event justified her most sanguine presages. That invisible hand which girded him at first, continued to guard and to guide him through the successive stages of the Revolution. Nor did he account it a weakness to bend the knee in homage to its supremacy, and prayer for its direction. This was the armor of Washington; this the salvation of his country.

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It must ever be difficult to compare the merits of Washington's character, because he always appeared greatest in that which he last sustained. Yet if there is a preference, it must be assigned to the Lieutenant-General of the armies of America. Not because the duties of that station were more arduous than those which he had often performed, but because it more fully displayed his magnanimity. While others become great by elevation, Washington becomes greater by condescension. Matchless patriot! to stoop, on public motives, to an inferior appointment, after possessing and dignifying the highest offices! Thrice-favored country, which boasts of such a citizen! We gaze with astonishment; we exult that we are Americans. We augur every thing great, and good, and happy. But whence this sudden horror? What means that cry of agony? Oh! 'tis the shriek of America! The fairy vision is fled: Washington is—no more!

How are the mighty fallen, and the weapons of war perished!

Daughters of America, who erst prepared the festal bower and the laurel wreath, plant now the cypress grove, and water it with tears.

How are the mighty fallen, and the weapons of war perished!

The death of Washington, Americans, has revealed the extent of our loss. It has given us the final proof that we never mistook him. Take his affecting testament, and read the secrets of his soul. Read all the power of domestic virtue. Read his strong love of letters and of liberty. Read his fidelity to republican principle, and his jealousy of national character. Read his devotedness to you in his military bequests to near relations. "These swords," they are the words of Washington, "these swords are accompanied with an injunction not to unsheath them for the purpose of shedding blood, except it be for self-defence, or in defence of their country and its rights; and in the latter case, to keep them unsheathed, and prefer falling with them in their hands to the relinquishment thereof."

In his acts, Americans, you have seen the man. In the complicated excellence of character he stands alone. Let no future Plutarch attempt the iniquity of parallel. Let no soldier of fortune; let no usurping conqueror; let not Alexander or Cæsar; let not Cromwell or Bonaparte; let none among the dead or the living; appear in the same picture with Washington; or let them appear as the shade to his light.

On this subject, my countrymen, it is for others to speculate, but it is for us to feel. Yet

in proportion to the severity of the stroke ought to be our thankfulness that it was not inflicted sooner. Through a long series of years has God preserved our Washington a public blessing; and now that he has removed him forever, shall we presume to say, *What doest thou?* Never did the tomb preach more powerfully the dependence of all things on the will of the Most High. The greatest of mortals crumble into dust the moment he commands, *Return, ye children of men.* Washington was but the instrument of a benignant God. He sickens, he dies, that we may learn not to *trust in men*, nor to *make flesh our arm.* But though Washington is dead, Jehovah lives. God of our fathers! be our God, and the God of our children! Thou art our refuge and our hope; the pillar of our strength; the wall of our defence, and our unfading glory!

Americans! This God, who raised up Washington and gave you liberty, exacts from you the duty of cherishing it with a zeal according to knowledge. Never sully, by apathy or by outrage, your fair inheritance. Risk not, for one moment, on visionary theories, the solid blessings of your lot. To you, particularly, O youth of America! applies the solemn charge. In all the perils of your country remember Washington. The freedom of reason and of right has been handed down to you on the point of the hero's sword. Guard with veneration the sacred deposit. The curse of ages will rest upon you, O youth of America! if ever you surrender to foreign ambition, or domestic lawlessness, the precious liberties for which Washington fought, and your fathers bled.

I cannot part with you, fellow-citizens, without urging the long remembrance of our present assembly. This day we wipe away the reproach of republics, that they know not how to be grateful. In your treatment of living patriots, recall your love and your regret of Washington. Let not future inconsistency charge this day with hypocrisy. Happy America, if she gives an instance of universal principle in her sorrows for the man, "first in war, first in peace, and first in the affections of his country!"

CHAPTER XIII.

1800--1801.

CLOSE OF ADAMS'S ADMINISTRATION.

Positions of the political parties — Party schemes — Military Academy recommended — Financial matters — Summary of the acts and proceedings of Congress — The public lands — Jefferson's letter to Madison — M'Henry and Pickering removed from office — Gallant exploit of Commodore Truxtun with the Constellation — Bainbridge at Algiers — His visit to Constantinople — The American envoys in France — Their proceedings — The "Convention" — Mr. Gibbs and Mr. Adams on the result of the mission to France — Parties in New York — Hamilton and Burr — Jay's honorable conduct — Troubles of the federal party — Course towards John Adams — The democratic party — Seat of government removed to Washington — Mrs. Adams's letter respecting the new city — The second census — Hamilton's opposition to Adams — His "Letter concerning the public conduct and character of John Adams, President of the United States" — A copy of it stolen and printed by Burr — Effect produced — Congress opens its session in Washington — The President's speech — The act respecting the Judiciary — Adams's appointments — John Marshall Chief Justice — Burr's activity in politics — Hamilton's opinions of Burr's character and principles — State of the electoral vote — Jefferson receives seventy-three and Burr seventy-three votes — Mr. Davis's statement — Thirty-five ballotings — Course of the federalists — Choice of evils — Jefferson elected president — The balance of Adams's term of office — Mr. Gibbs on the termination of the federal supremacy. Appendix to Chapter XIII. John Adams and the Fall of Federalism.

On a previous page (see p. 466), we have spoken of the assembling of the sixth Congress in December, 1799, and of the President's speech to the two Houses. The answers were full, and though not very decided in tone, were by no means deficient in cordiality. The approaching political struggle with reference to the presidency, very probably had its effect upon the views and present course of the members of Congress.

The elections had resulted in favor of the federalists. This was especially the case at the south, where considerable changes had taken place in favor of the government. John Marshall and Henry Lee were among the new members from Virginia. William Henry Harrison also appeared as a delegate from the territory northwest of the Ohio, and was admitted to a seat, but not to the right of voting. Yet the minority, under skilful guidance, stood ready to avail themselves of the divisions which, it could not be concealed, existed among the federalists. "The opposition," as Mr. Gibbs says, "were daily becoming more compact and firm; they saw the discouragements of their adversaries; they felt their own advantages and the strength of their position; and they neglected nothing which organization, discipline, and vigorous action could effect." The death of Washington had, it is true, a calming effect upon the agitated waters of political strife, but it was only for a brief period; and when he, the great and good, was gone, the federalists had lost immensely by his removal, and the republicans

were now able to give free rein to their impetuous and fierce charges upon their opponents. In fact, under cover of the work of legislation and government, during a considerable part of the session, party intrigue was working its approaches to the election. Private conferences, secret caucuses, less secret meetings, correspondence by post and messenger, (Jefferson continually fearing that the seals of his missives might be broken,) promises, counter-promises, bargains, suspicions, schemes, and tricks, —the proceedings can easily be imagined; we should feel humiliated by any attempt to describe them.

In January, 1800, the president transmitted to Congress the report of the secretary of war, in which was a strong recommendation urging the formation of a military academy. The project had been a favorite one with Washington, and it seemed called for by every consideration of sound policy. No definite action, however, was secured upon this subject.

1800.

The committee of ways and means entered upon the consideration of the state of the finances, and reported in due season to the House. From the reasonable prospect of a settlement of difficulties with France, it was deemed inexpedient to press the measures relating to national defence. A reduction upon the estimates followed, of about $1,600,000 in the departments of the army and navy.* This left some $3,500,000 to be provided for by a loan which was authorized late in the session.

In speaking of the case of Nash or Robbins, (page 463,) we have related some of the doings of Congress this session. It will be convenient to sum up, in this connection, their various acts and proceedings. Notwithstanding the probabilities of the successful issue of the new embassy, bills were passed further suspending commercial intercourse with France and its dependencies, and continuing in force the act authorizing the defence of American merchant vessels against French depredations. The law, prohibiting hostile acts on the part of our citizens against neutral nations, was renewed. Provision was made for the better government of the navy, and for the regulation of the public arsenals and magazines. Additional duties were laid on sugar, molasses and wines. Provision was made respecting the second census, which was directed to take place on the first Monday in August, 1800. Acts were passed for the relief of persons imprisoned for debt in the federal courts, and also for establishing a uniform system of bankruptcy. Measures were adopted for securing peace with the Indians; and the question of the title to the lands known as the "western reserve of Connecticut" was at length put to rest. An act was passed providing for the removal of the government to the new city of Washington, at such time as the president might direct. The territory north-west of the Ohio was divided into two separate governments, the westernmost constituting the territory of Indiana; and material amendments were made to the

* For a full account of this matter of the finances, the report of the committee of ways and means, etc., see Mr. Gibbs's "*Administrations of Washington and Adams*," vol. ii., pp. 325–38.

act providing for the sale of the public lands. A supplementary act to that of 1798, for an amicable settlement of limits with the state of Georgia, was passed, and a government was established in the Mississippi territory.

It was at the close of the session that Congress adopted measures, respecting the sale of the public lands, which deserve the reader's consideration. In 1798, more than $88,000 was received from the sales of government lands, and their importance, in a financial point of view, pressed upon the attention of Congress and the people. Mr. W. H. Harrison was very active in this matter, and on the 10th of May, an act was passed, laying the foundation of the land-system as it has since existed. The substantial provision was, that "All the lands, before they are offered for sale, are surveyed, on a rigidly accurate plan, at the expense of the government." These surveys are founded upon a series of true meridians, the first in the present State of Ohio, the second in Indiana, the third in Illinois, etc., "each forming the base of a series of surveys, of which the lines are made to correspond, so that the whole country is at last divided into squares of one mile each, and townships of six miles each; and these subdivisions are distributed with mathematical accuracy into parallel ranges," by lines crossing each other at right angles, and running due north and south, and east and west, "excepting when they are formed by an Indian boundary line, or the course of a stream."

The Senate amended the act, so, that one-half was to be sold in sections, containing a square mile, or six hundred and forty acres, each, and the other half, in half sections, of three hundred and twenty acres each. "The old system of forfeiture for non-payment was abolished, and payment was to be made, one-fourth in hand, and the balance at the end of two, three, and four years; allowing the purchaser one year after the fourth payment became due, to collect the money, and in case it should not be paid for in that time, the land to be sold, the public reimbursed, and the balance of its produce handed over to the delinquent purchaser." Four land-offices were opened in the Northwest Territory, where purchases could be made; the register selling the land, the receiver collecting the payments. The sales effected, and the money received, being regularly reported to Washington, the purchaser received from the United States government an original patent, as the most perfect title to the soil. Modifications were afterwards introduced into this act, of which we intend to take notice in a subsequent chapter.

The session terminated on the 14th May, and was the last occasion on which Congress assembled in the city of Philadelphia. Mr. Jefferson's remarks in regard to it, under date of May 12th, writing to Madison, may be quoted, as showing how the progress of events in Congress struck his mind: "The federalists have not been able to carry a single strong measure in the lower House, the whole session. When they met, it was believed they had a majority of twenty; but many of these were new and moderate

1800.

men, and soon saw the true character of the party to which they had been well disposed while at a distance. The tide, too, of public opinion, set so strongly against the federal proceedings that this melted off their majority, and dismayed the heroes of the party. The Senate alone remained undismayed to the last. Firm to their purpose, regardless of public opinion, and more disposed to coerce than to court it, not a man of the majority gave way in the least."*

Early in May, the president had an interview with Mr. M'Henry, the result of which was, that he was requested to resign his post of secretary of war. On the 12th of May, Colonel Pickering was removed from the office of secretary of state. The state of feeling between the cabinet and the president was such, that the removal of these gentlemen became necessary. Mr. Gibbs (vol. ii., pp. 348–59) severely reviews this measure on the part of the president, and condemns it as wholly unjustifiable, so far as the ability, integrity and uprightness of the secretaries are concerned. Mr. C. F. Adams, (vol. i., pp. 566–69,) on the other hand, justifies the course pursued by his grandfather, on the ground of Mr. M'Henry's incompetency, and Colonel Pickering's dishonorable use of his official position for the purpose of counteracting and defeating the plans of the president. We counsel the reader to be cautious how he adopts the views of either writer on such grave points as these. Our own conviction is, that the secretaries might, with great propriety, have resigned some time before they were compelled to submit to a dismission from office; but we have no great faith in the charges against them of incompetency, dishonesty, idolatry of Mr. Hamilton, and the like.* On the 13th of May, John Marshall was appointed secretary of state, and Samuel Dexter secretary of war.

1800.

In speaking of the gallant conduct of our navy, then in its infancy, we gave an account (see p. 456) of the victory gained by Commodore Truxtun. We have again the pleasing task of narrating another exploit of this able commander. It was on the 1st of February that Truxtun, in the Constellation, carrying thirty-eight, was again off Guadaloupe, and made a sail to the south-east, steering westward. Supposing it to be a large English merchantman, Truxtun hoisted English colors, as an invitation to the unknown vessel to run down and speak

1800.

* Tucker's "*Life of Jefferson*," vol., ii., p. 68.

* We subjoin, in a note, Mr. C. F. Adams's remarks on Oliver Wolcott, which, he asserts, are fully justified by the examination he has given to his official life and conduct. He is speaking of Mr. Hamilton's need of some one "able to betray the movements of the cabinet down to the last moment." "That person was Oliver Wolcott, secretary of the treasury, whose fidelity Mr. Adams never for an instant suspected; who had always so carefully regulated his external deportment, that no one could suppose him likely to become the secret channel through which all the most confidential details of the administration, of which he was a part, should be furnished with the intent to destroy its head. Yet such is the fact which history now most unequivocally discloses. Instead of being too suspicious, as the enemies of his own household chose to describe him, the president had, in the excess of his confidence, retained in his bosom the most subtle and venomous serpent of them all."—"*Life of John Adams*," vol. i., p. 570. Compare Mr. Gibbs's remarks, vol. ii., pp. 212–214.

him. The invitation being disregarded, all sail was made in chase, the Constellation gaining fast on the stranger; and discovering her to be a French vessel of war, she hauled down her English flag and cleared for action. "The chase," as Mr. Cooper states, "was now distinctly made out to be a heavy frigate, mounting fifty-two guns. As her metal was in all probability equal to her rate, the only circumstance to equalize this disparity against the Constellation, was the fact that the stranger was very deep, which was accounted for by the practice of sending valuable articles to France, at that time, in ships of war, as the safest means of transmission."

Truxtun stretched every inch of canvas, and though thrown back by light and variable breezes, in which the enemy had the advantage, he came up with him on the evening of the 2d. "It was eight before the two ships were in speaking distance of each other, the stranger having come up to the wind a little, and the Constellation doubling on her weather quarter. Commodore Truxtun was about to speak to the enemy, when the latter opened a fire from his stern and quarter guns. In a few moments the Constellation, having drawn still more on the weather quarter of the chase, poured in a broadside, and the action began in earnest. It was a little past eight when the firing commenced, and it was maintained with vigor until nearly one in the morning,—the two ships most of the time running free, side by side,—when the stranger hauled up, and drew out of the combat. Orders were given on board the Constellation to brace up in chase;" but at the moment, it was reported that the main-mast, which (as was usual then) was a single stick, was supported almost solely by the wood, nearly every shroud having been shot away; and in spite of every effort to prevent it, the mast went by the board, a few minutes after the enemy had sheered off. All the topmen, including Mr. Jarvis, the midshipman in command aloft, who had refused to abandon his post, were lost, with only a single exception.

Being unable to resume the action, and having fourteen men killed and twenty-five wounded, (of whom eleven died subsequently,) Truxtun, as soon as the wreck was clear of his ship, bore up for Jamaica, where he arrived in safety. His adversary, which was La Vengeance, reached Curaçoa, dismasted, in a sinking condition, and reporting herself to have had fifty killed and a hundred and ten wounded, out of a crew of above four hundred men. The Constellation had but three hundred and ten men on board; and was inferior in weight of metal as well as in the number of her guns. Truxtun received a gold medal from Congress, as a token of approbation of his gallantry; an honor which he well deserved.*

It was in May of this year, that Bainbridge was sent in the George Washington to carry the tribute to the dey of Algiers. He reached his destination

* See Cooper's "*Naval History*," vol. i., pp. 172–74. See also Benton's "*Abridgement of the Debates of Congress*," vol. ii., pp. 469–72. The medal was bestowed by a vote of eighty-seven to four, John Randolph being one of the four.

in September, and "feeling that he had come on a duty, which, at least, entitled him to the hospitalities of the dey, Captain Bainbridge ran in, and anchored under the mole. As soon as the tribute, or presents," says Cooper, "whichever it may suit the tone of diplomatists to term them, were put into the hands of the consul, the request was made of Captain Bainbridge, to place his ship at the disposal of the dey, with a sole view to the convenience and policy of that prince." The fact was, that the dey had a piece of service to be performed, which it was not at all safe for any of his people to undertake; so, under terrible menaces if disobedient, he prevailed upon Bainbridge to set sail for Constantinople in behalf of the dey. We must refer the reader to our naval historian for an account of this visit to the capital of Turkey, and for his judicious remarks upon Bainbridge's course in the whole matter. On his return, at the close of January, 1801, he would not trust himself within the mole, until he had received the dey's assurance not to ask him to be his carrier again; yet he did not escape without a violent altercation with him, in which nothing but the sight of the sultan's firman of protection saved him from personal violence. The gallant but most undiplomatic seaman generously used his unexpected favor with the dey, in behalf of some fifty or sixty Frenchmen, who had been condemned to slavery, when he declared war upon France.

The American envoys, as above related, (p. 460,) left the United States early in November, 1799, and arrived at Lisbon on the 27th. Here they learned that Napoleon had accomplished the Revolution of 18th Brumaire, had driven the council from its halls at the point of the bayonet, had dissolved the Directory, overturned the constitution, and seated himself in power as First Consul. On the 8th of December, they determined to proceed on their mission; but they were detained by contrary winds, and finally put into Corunna, which port they reached on the 16th of January, 1800. Talleyrand, who could accommodate himself to any change of rulers, was still in office, and to him the envoys wrote, before proceeding further. His answer was, that they "were expected with impatience, and would be received with warmth," and urged them to come on at once. The envoys reached Paris on the 2d of March. Joseph Bonaparte, Fleurien, and Rœderer were, in a few days, appointed by Napoleon, (who had received them without delay,) and early in April, the negotiations commenced in good earnest. **1800.**

The claims and the expectations of the contracting parties were so incompatible, that at times it seemed impossible to bring the negotiations to a happy issue. And the absence of Napoleon from Paris was as embarrassing to the French commissioners, as the definite instructions devised at Trenton were to the Americans. America claimed compensation for the depredations upon her commerce, but France could not undertake to pay any indemnities, having no money. On the other hand, France desired the continuance of the former treaties, and America

insisted upon their being voided by recent events. If the treaties were allowed to stand, the French would stipulate respecting indemnities; but otherwise they would not hear of them. The Americans, again, proposed to discharge the *obligations* of those treaties, but to renew them in other respects, and then to claim the compensations spoken of. And France would not consent to this, any more than the United States would accept her proposals.

At length the American envoys started the project of a "Convention," and the disputed questions were left for future negotiation;—the great point being to put an end to the quasi-war, and to obtain the recognition of their own neutrality. This was agreed to, and on the 3d of September, 1800, such a "Convention" was signed. The older treaties were suspended for further consideration, and the demands for indemnities, in like manner, put off for the present. National vessels captured by either party were to be given up.* The other articles provided for the restoration of uncondemned captured property, on both sides, unless it was contraband; and a form of passport for the proof of property for merchant vessels was drawn up. The payment of debts was also stipulated. In each case the other party was put upon an equal footing with the most favored nation. And in twenty other articles provision was made for the protection of the commerce of the United States, against such depredations and attacks as had been made upon it by the French privateers, under sanction of the French government, and which had led to the rupture between the nations.

Mr. Gibbs (vol. ii., p. 439) is of opinion, that no advantages resulted from this treaty, and that the United States might better have persisted in their former policy. Mr. C. F. Adams (vol. i., p. 575) admits, that the treaty "touched but lightly on the causes of grievance between the two countries, and seemed to grant little redress to the wrongs of which America justly complained." But he claims, that "it gained what was of more worth to them; and that was a termination of all further danger of war, and a prevention of the causes of future difficulties. . . . . It is sufficient to say, that these measures had the effect of re-establishing the neutral policy of the United States, which had been for years in imminent peril, and of smoothing the way to the period of great prosperity which followed. It is difficult to imagine any other result of the turmoil and conflict of opinions that had so long prevailed, which, on the whole, deserved to insure a better return of gratitude to its authors, from the great body of citizens most deeply interested in the country's welfare."

The president was not able to announce the result of the French mission

* These two articles were not sanctioned by the Senate; and the matters treated of in them were not settled until after Mr. Adams retired from office. Jefferson writing to Madison, in December, says of the "Convention," "it is a real treaty, and without limitation of time. It has some disagreeable features, and will endanger the compromitting us with Great Britain." "I believe it will meet with opposition from both sides of the House. It has been a bungling negotiation." And a week later,—"The French treaty will be violently opposed by the federalists; the giving up the vessels is the article they cannot swallow."

at the opening of Congress in the city of Washington; but very shortly afterwards General Davie returned to America with the Convention; and it formed a principal subject of debate for the short period during which the session lasted. The Senate refused to sanction two of its articles; and Adams, in February, 1801, ratified it thus abridged, and nominated James A. Bayard, minister-plenipotentiary, to convey the ratification to France, and continue the intercourse thus happily begun. Bayard, however, would not accept the appointment, and matters were left *in statu quo*, for Adams's successor to deal with.

The dissensions in the federal party, after the death of Washington, seemed to be increasing in acerbity and violence. They were watched keenly by the opposite party, who augured well of success through the internal discord of their foes. How sagaciously the democratic leaders acted, the course of our narrative will show.

The state of New York, which was one of the most important in the Union, was about to hold its election for members of the legislature. Parties were nearly equally balanced, and it remained to be seen which should gain the ascendency. Hamilton was indefatigable on the federal side. Aaron Burr labored assiduously on the other.* The family feuds of the Clintons, the Livingstons and others, in the state, weakened the democratic party. Burr devoted himself to the harmonizing of these differences and arraying the entire party against the federalists; and it is evidence of his political astuteness and ability that he succeeded in his efforts. The preliminary steps,—the formation of a strong republican assembly ticket for the city of New York, the persuasion of those nominated to stand as candidates, and the actually getting them elected,—were made sure by the activity and finesse of Burr. And then Hamilton, as is generally *believed*,—for the son of Mr. Jay simply styles the writer of the letter "one of the most distinguished and influential federalists in the United States,"—proposed to Governor Jay, what would have been in fact a *coup d'état*, to summon the legislature, the majority of which was federalist, and at once to enact a statute altering the method of choosing the presidential electors, to that by the people in districts, which would "insure a majority of voters in the United States for the federal candidate." We have had occasion to speak of John Jay with sincere respect already; the very highest terms would be warranted by his endorsement of the letter containing this suggestion,—"Proposing a measure for party purposes, which I think it would not become me to adopt." And it was not adopted, and the consequences followed, which were anticipated by the author of the letter to Mr. Jay.*

1800.

The prospects of the defeat of the federal party were not lessened by the results of the New York election. The

* See Hammond's "*History of Political Parties in the State of New York*," vol. i., p. 146, etc.

* For this letter, see "*Life of John Jay*," vol. i., pp. 412–14.

several sections of the party were in great distress as well as difficulty, and "it was evident," as Mr. Gibbs says, "that there was no ground upon which the party could be united, with sincerity and good will." Some wished to act openly and drop Mr. Adams entirely, rallying upon General Pinckney, or some other strong man; others wished for the same result, but did not see how to accomplish it; and others again determined that the president ought to be at all hazards supported for re-election.

The federal members of Congress held a caucus just before the close of the session, in May, and the result was, that John Adams and Charles Cotesworth Pinckney were fixed upon as the federal candidates, it being understood rather than avowed, that the former was to be the president and the latter the vice-president. In reality, a portion of the federalists, and a powerful portion, too, made up their minds to endeavor to defeat Mr. Adams's election to the highest office, by giving out confidentially that he was not fit for the post, that his defects of character and the like rendered it unsafe to re-elect him, and that the preponderance must be given to General Pinckney. Mr. C. F. Adams denounces this as *bad faith*, and says, "the moment when an active minority determined to adopt a line of conduct marked by indirectness of purpose even to treachery, was the moment when wise and patriotic citizens had reason to foresee for the federal party that shipwreck must inevitably ensue."

1800.

The democratic party, on their side, were much better organized, and found no difficulty in agreeing upon their candidates, and in hearty working for their election. Aaron Burr had proved himself so valuable an ally, that his name was placed with Jefferson's on the ticket, and it was not doubted that he would run well especially in the middle states. Thus the two parties stood arrayed, waiting the decisive hour of the conflict now not far off.*.

In the month of June, by direction of the president, the public offices, papers, etc., were removed to the new federal city on the banks of the Potomac, where Congress was to hold its next session, on the third Monday of November. It will be a pleasant relief, to quote from Mrs. Adams's letter to her daughter, a graphic account of the city of Washington, as it was in the days of its infancy. Her letter was written in November, 1800. I arrived here," she says, "on Sunday last, and without meeting any accident worth noticing, except losing ourselves when we left Baltimore, and going eight or nine miles on the Frederic road, by which means we were obliged to go the other eight through the woods, where we wandered two hours without finding a

1800.

* In a letter to Dr. Rush of Philadelphia, under date of September 23d, Jefferson speaks of the hostility of the clergy of the country towards him and his principles, and he even imputes to them hopes, which there is not the slightest reason to believe were ever entertained, of being able to accomplish a union of church and state. "The returning good sense of the country," he adds, "threatens abortion to their hopes, and they believe that any portion of power confided to me, will be exerted in opposition to their schemes. And they believe rightly; for I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

guide or the path. Fortunately, a straggling black came up with us, and we engaged him as a guide to extricate us out of our difficulty; but woods are all you see, from Baltimore, until you reach the *city*,—which is only so in name Here and there is a small cot, without a glass window, interspersed among the forests, through which you travel miles without seeing any human being."

Her account of the president's official residence is equally entertaining. "The house is upon a grand and superb scale, requiring about thirty servants to attend and keep the apartments in proper order, and perform the ordinary business of the house and stables: an establishment very *well* proportioned to the president's salary! The lighting the apartments, from the kitchen to parlors and chambers, is a tax indeed; and the fires we are obliged to keep, to secure us from daily agues, is another cheering comfort!

"If they will put me up some bells, (there is not one hung in the whole house, and promises are all you can obtain!) and let me have wood enough to keep fires, I design to be pleased. I could content myself almost anywhere three months; but, surrounded with forests, can you believe that wood is not to be had?—because people cannot be found to cut and cart it! Briesler entered into a contract with a man to supply him with wood; a small part (a few cords) only has he been able to get. Most of that was expended to dry the walls of the house before we came in; and yesterday the man told him it was impossible to procure it to be cut and carted. He has had recourse to coals; but we cannot get grates made and set. We have come indeed into a 'new country.' The house is made habitable, but there is not a single apartment finished, and all withinside, except the plastering, has been done since Briesler came. We have not the least fence, yard, or other convenience without, and the great unfinished audience-room I make a drying-room of, to hang up the clothes in. The principal stairs are not up, and will not be this winter. Six chambers are made comfortable; two are occupied by the president and Mr. Shaw; two lower rooms, one for a common parlor, and one for a levee-room. Up stairs there is the oval room, which is designed for the drawing-room, and has the crimson furniture in it. It is a very handsome room now; but when completed, it will be beautiful."

There was not, certainly, much of the pomp of royalty in such an official residence as this: and Jefferson might have discovered many wiser reasons than those he suggested to his correspondents, for Adams's manifest reluctance to take up his abode, for a few months, in a house which was accessible by little better than a "blazed track," and where there was no fuel to be had, nor a bell hung, and not even a yard for the president's wife "to hang up the clothes in" to be dried.

These domestic tribulations, such as they were, were by no means of such ill omen to the new city as were two conflagrations which happened in this first winter. In the first, the office of the secretary of war was destroyed, and many documents of great importance

perished; in the other, the treasury offices suffered, and some records were lost there. "The Aurora," with the usual fairness of party papers, asserted that they were *not* accidental; and that it was for reasons best known to the persons concerned, who found the preservation of certain papers and accounts inconvenient, that so expensive and round-about a way of getting rid of them was devised.

During the summer of this year, the second census of the Union was taken. The total population was divided into twelve classes; each sex of the free whites being distributed into five classes, according to age; "all other persons," except Indians not taxed, forming the eleventh class; and the slaves the twelfth. There is some discrepancy in the enumeration of the population; the result, however, is as follows: in the free states, there were 2,601,509 whites; 47,154 free colored; 35,946 slaves; total, in the free states,—2,684,609. In the slave states, there were, 1,702,980 whites; 61,241 free colored; 857,095 slaves; total in the slave states, 2,621,316. The grand total consequently was, 5,305,925; being nearly a million and a half increase during the past ten years.

In the progress of the political contest in which the federalists were engaged, Hamilton, after careful examination, seems to have become convinced that John Adams could not be broken down in New England, and that it was hardly possible to hope to obtain an equal vote for General Pinckney. Something must be done, or it was plain, that the success of the party would place Adams again in the presidential chair; a result which Hamilton and others deprecated most earnestly.

Adams, who was noted for free and unguarded speech, had over and over again denounced that portion of the federal party who did not favor his measures, as a British faction, and had especially named Hamilton in this connection. This gave the latter an opportunity to call upon the president for an explanation of his language on this subject. On the 1st of August, he wrote to John Adams, demanding the grounds of such assertions or charges, respecting him. No answer was received, perhaps none was expected. On the 1st of October, Hamilton wrote again, and deliberately pronounced every charge of the kind, as "a base, wicked calumny;" and immediately after, resolved upon a further step, which had a most important influence upon the result of the contest between the federalists and democrats.*

Hamilton's intimate relations with members of the cabinet, gave him access to many facts and circumstances which he determined to use to the discredit of Mr. Adams, and, as far as possible, draw off from him the votes that he otherwise would receive at the hands of the federalists. Accordingly, in the month of October, he prepared the celebrated "Letter concerning the Public Conduct and Character of John Adams, Esq., President of the United States." His 1800.

* For some rather free, and far from complimentary remarks upon the second president and his idiosyncrasies, see Garland's "*Life of John Randolph*," vol i., pp. 142–143.

object was, as Mr. Gibbs states it, (vol. ii., p. 429,) to "vindicate himself and his friends, in their political conduct, from unjust reproaches, and to procure a joint support of the second candidate of the party. The writer, notwithstanding a full and candid exposition of his objections to Mr. Adams, and his apprehension that, under his future auspices, the federal policy might totter and fall, disclaimed all wish to withdraw from him a single vote, or to oppose any obstacle to his election."*

The letter was printed by Hamilton in the last week of October, only a short time before the choice of electors was to be made in the different states. It was intended to be used at the south especially, and for limited and private circulation even there. But, in some unexplained way, a copy of the letter was obtained from the press by Aaron Burr, who was capable of any infamous conduct in order to destroy Hamilton. Burr printed the letter in the papers, and thus brought the whole subject before the public at large. As a political movement, Hamilton's was undoubtedly a blunder, and it afforded Burr and the democratic party an opportunity to profit immensely by the discord of their rivals. The republicans plucked up courage, just in proportion as the federalists were annoyed, vexed, and angered, by this step on the part of Hamilton. "So fluctuating had been their confidence in their power to overthrow Mr. Adams, that even their sanguine chief had more than once entertained the notion of abandoning opposition to him, and directing the strength of his party to the question of the succession. But this pamphlet did more to invigorate them than all their own efforts." As Duane said, in sending a copy of it to General Collot, in Paris, "This pamphlet has done more mischief to the parties concerned, than all the labors of the Aurora."

In justice to Mr. Hamilton, it must be admitted, we think, that, had the personal feeling displayed by him been far more virulent than it was, it would have been explicable, though hardly defensible; for it was well known among the leading federalists, that Adams had levelled at him all the sarcasm, and satire, and inuendo, he could by any means command in his private and semi-official correspondence. And "the Cunningham Letters" are a standing illustration of what the second president could do in that species of party warfare.

As the time for choosing the electors for president and vice-president drew near, no little anxiety was manifested by both parties, as to the probable result. The schemes for choosing the electors, depending upon the state legislatures, varied with the majorities in

* "So soon as the news of Mr. Hamilton's pamphlet went abroad, men of all parties naturally expected disclosures of the gravest offences, involving the moral and political integrity of the president. What was their surprise then, to discover in the course of thirty printed pages, that the proof relied upon to show Mr. Adams to be utterly unfit to be president, were not deemed by the author himself, sufficient to prevent his advising his friends not to withhold from the object of his invective, one single vote!" Mr. C. F. Adams bestows a searching examination upon this letter, and the circumstances connected with it; especially the share that Oliver Wolcott had in the matter. See "*Life and Works of John Adams*," vol. i., pp 576–589.

them; and different plans were adopted according to the hopes of the dominant party, that by one or other of them they would succeed in carrying their own candidate. New intrigues, as a necessary consequence, were set on foot, compromises proposed, both to secure the choice of electors of known opinions, and to influence their votes, after they had been chosen.* In this condition of affairs, the second session of the sixth Congress was begun at the city of Washington, on the 17th of November, 1800.

The president's speech was delivered in the Senate-chamber, on the 22d of November. As it was destined to be his last, as it was "more exclusively his own work than any of its predecessors," we give the speech in full.

"*Gentlemen of the Senate, and Gentlemen of the House of Representatives:—*

"Immediately after the adjournment of Congress, at their last session in Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records, and property. These directions have been executed, and the public officers have since resided and conducted the ordinary business of the government in this place.

"I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government, and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

"It would be unbecoming the Representatives of this nation to assemble for the first time in this solemn temple, without looking up to the Supreme Ruler of the universe and imploring His blessing.

"May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government, which adorned the great character whose name it bears, be forever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish forever!

"It is with you, gentlemen, to consider whether the local powers over the District of Columbia vested by the Constitution in the Congress of the United States shall be immediately exercised. If in your opinion this important trust ought now to be executed, you cannot fail, while performing

* The Senate, in March, (see Benton's "*Abridgement of Debates*," vol. ii., pp. 408–426,) had recommended to the president to prosecute Duane, the editor of the "Aurora," for his "false, defamatory, scandalous, and malicious publications" respecting the course pursued by that body in regard to a bill before them. But the interest of those who watched the action of the sedition law, as one of the levers by which the federalists were to be deprived of their supremacy, was centred in the trials of Holt, Cooper, and Callender, during the critical period of the canvass and the agitation preceding the presidential election. There is nothing of moment to our purpose in the reports of these trials, nor would they merit even this passing reference, if the verdicts and the sentences had not been held up and used for electioneering purposes, as proofs of the designs of the federalists to establish a monarchy, or a despotism, or a "reign of terror," or some other dreadful thing.

it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation advancing with unexampled rapidity in arts, in commerce, in wealth, and in population; and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

"In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honorable testimony they gave to the patriotic motives which brought them into the service of their country, by the readiness and regularity with which they returned to the station of private citizens.

"It is in every point of view of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the Constitution and laws devolve on the federal courts as convenient to the people as may consist with their present circumstances, that I cannot omit once more to recommend to your consideration the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none can those improvements which may have been suggested by experience be more beneficially applied.

"A treaty of amity and commerce with the king of Prussia has been concluded and ratified. The ratifications have been exchanged, and I have directed the treaty to be promulgated by proclamation.

"The difficulties which suspend the execution of the sixth article of our treaty of amity, commerce, and navigation, with Great Britain, have not yet been removed. The negotiation on this subject is still depending. As it must be for the interest and honor of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavors of the government of the United States to bring it to an amicable termination will not be disappointed.

"The envoys extraordinary and ministers-plenipotentiary from the United States to France were received by the first consul with the respect due to their characters, and three persons with equal powers were appointed to treat with them. Although at the date of the last official intelligence the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

"While our best endeavors for the preservation of harmony with all nations will continue to be used, the experience of the world, our own experience, admonishes us of the insecurity of trusting too confidently to their success. We cannot, without committing a dangerous imprudence, abandon those measures of self-protection which were adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may again compel us to resort. While our

vast extent of sea-coast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence which will be most beneficial to ourselves, our distance from Europe and our resources from maritime strength will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted for defensive war, and which may in case of necessity be quickly brought into use, seem to be as much recommended by a wise and true economy as by a just regard for our future tranquillity, for the safety of our shores, and for the protection of our property committed to the ocean.

"The present navy of the United States, called suddenly into existence by a great national exigency, has raised us in our own esteem, and by the protection afforded to our commerce, has effected, to the extent of our expectations, the object for which it was created.

"In connection with a navy ought to be contemplated the fortification of some of our principal seaports and harbors. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal ports considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes the fortifications which have been commenced.

"The manufacture of arms within the United States still invites the attention of the national legislature. At a considerable expense to the public, this manufacture has been brought to such a state of maturity as, with continued encouragement, will supersede the necessity of future importations from foreign countries.

"*Gentlemen of the House of Representatives:—*

"I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the public revenue and expenditure to a later period, to be laid before you. I observe with much satisfaction, that the product of the revenue during the present year has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of public credit.

"*Gentlemen of the Senate, and Gentlemen of the House of Representatives:—*

"As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore, and of wisdom to avoid, the causes which may have produced it. If, turning our eyes homeward, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and hap-

py; if all enjoy safety under the protection of laws emanating only from the general will, the fruits of their own labor; we ought to fortify and cling to those institutions which have been the source of such real felicity, and resist with unabating perseverance the progress of those dangerous innovations which may diminish their influence.

"To your patriotism, gentlemen, has been confided the honorable duty of guarding the public interests; and while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you that your labors to promote the general happiness will receive from me the most zealous co-operation."

The answer of the Senate was brief but cordially expressed, concluding with the assurance that "it was impossible for the Senate to doubt of his zealous co-operation with the legislature in every effort to promote the general happiness and tranquillity of the Union." The House answered in nearly the same tone, and promised "to endeavor, on their part, to testify by their industry and dispatch the zeal and sincerity with which they regarded the public good."

The principal events which marked this session of Congress were,* the passage of the act "for the more convenient organization of the courts of the United States," which became a law on the 13th of February, 1801; and the election of a president of the United States, for the first time by the House of Representatives.

In regard to the judiciary, some reform was certainly necessary at this time; for, in consequence of various statutes, the business of the courts had increased beyond the power of the existing officers to attend to it. And the opposition offered to the bill, was of a kind to show that the republicans agreed with the federalists on the principle and the necessity of some change. The judges of the Supreme Court were, by this act, relieved from the performance of the duties of circuit judges, and constituted a special court of appeal and error; and the entire Union was divided into six circuits, in five of which three judges each were appointed to perform the duties from which the judges of the Supreme Court were relieved. In the sixth circuit only one judge was appointed, and he, with two of the district judges then in office, was to constitute a circuit court. Less resistance would have been made, had not the opposition regarded with suspicion the probable design of the president in respect of the officers created by this act; and, very unwisely, we think, Mr. Adams seized the opportunity to fill up the nominations, selecting federalists of course; and this after he knew that his own tenure of office expired on the 3d of the following March, and that his successor would certainly be a republican. Out of this proceeding of John Adams arose some of the most effective and malignant attacks upon the memory of his admin- **1801.**

* For the debates on the mausoleum to Washington; on reporting the debates of Congress; on the bill for the government of the District of Columbia; etc.; see Benton's "*Abridgement of the Debates of Congress*," vol. ii., pp. 501–39.

istration; and Thomas Jefferson resented this conduct of Mr. Adams more than any thing else which the second president ever did.

Mr. Ellsworth, choosing to remain in France, on account of his health, sent in his resignation of the chief-justiceship. Mr. Adams offered the post to Governor Jay, and on his declining, tendered it to John Marshall, who was appointed chief justice of the Supreme Court of the United States, on the 27th of January, 1801. "These appointments," as Mr. C. F. Adams says, "excited dissatisfaction on both sides. The ultra federalists murmured at the nomination of Jay as useless, and complained that Patterson had been overlooked in order to reward a favorite; the opposition, that the strongest opponent of their chief in Virginia had been set as a check over him. But looking back upon the events of the first half of this century, and upon the combination of qualities requisite to fill that most responsible and difficult post in such a manner as to consolidate instead of weakening the Union, it is scarcely possible for the most prejudiced man to deny, that the selection by John Adams of John Marshall to be chief justice of the Supreme Court of the United States, was, for its political consequences, second in importance only to that virtually made by the same individual, twenty-five years earlier, of George Washington as commander-in-chief of their armies."

The choice of electors in the several states for president and vice-president having been made, the result became known some time before it was formally and authoritatively announced. The republicans managed their canvass with great skill and with assured hope of victory. Aaron Burr seems to have been the hero of the fight on this side; and assuredly he proved himself equal to the work which he undertook; for either by his own eyes, or those of his agents, he detected every movement of the federalists; and they were exposed so adroitly, that they knew not from what quarter the unwelcome light fell upon their doings. Adams and Jefferson were restricted by their offices from using any other means than their pens; and they plied them with diligence enough. The activity of the federalist leaders, though many of them would fain have turned it all to the account of Pinckney alone, told as much in favor of Adams as of him. So intensely bitter was the repugnance of many of the federalists to Jefferson, that they contemplated casting all their influence in favor of making Burr president; and it was very nearly accomplished, although Hamilton warned his friends that Burr was a far more dangerous man than Jefferson. "There is no doubt," he said, in a letter to Wolcott, "that upon every virtuous and prudent calculation, Jefferson is to be preferred. He is by far not so dangerous a man, and he has pretensions to character. As to Burr, there is nothing in his favor. His private character is not defended by his most partial friends. He is bankrupt beyond redemption, except by the plunder of his country. His public principles have no other spring or aim than his own aggrandizement, *per fas et nefas*. If he can,

he will certainly disturb our institutions. He is truly the Catiline of America." "Every step in his career proves, that he has formed himself upon the model of Catiline, and he is too cold-blooded and too determined a conspirator ever to change his plans." Even with these warnings sounding in their ears, the blinding rage of party animosity nearly led to the rejecting of Jefferson and the elevation of Aaron Burr. Badly as men may think and speak of the third president and his career, it will hardly be denied that it was a mercy which spared our country from the rule of the bold, bad man who was at this time placed in the vice-president's chair.

On the 11th of February, 1801, the sealed packets, containing the notification of the vote of each state, were opened, by Jefferson himself, *ex officio*, as president of the Senate. The intensity of the party-spirit at work, and the zeal of the agents, may be estimated by the fact, that of the whole number of votes, one only was not directed in accordance with the determination of the caucuses. For John Adams and for Pinckney, New Hampshire, Vermont, Massachusetts, Connecticut, New Jersey, and Delaware voted entire; Rhode Island gave all its votes to Adams, but bestowed one of its second votes upon John Jay, and the other three on Pinckney; and seven of the votes of Pennsylvania, five of those of Maryland, and four from North Carolina, were given to the two federalists. The total for Adams was therefore sixty-five; and that for Pinckney one less. On the other side, New York, Virginia, South Carolina, Georgia, Tennessee, and Kentucky, voted wholly for Jefferson and Burr; who also received eight each from Pennsylvania, five from Maryland, and eight from North Carolina; making their common total seventy-three; and they were accordingly (for they had a clear majority of the whole number of votes, one hundred and thirty-eight) left to be balloted for by the House.* **1801.**

The balloting began on February the 11th; and *nine* states were necessary for a choice. On the first ballot Jefferson received the votes of New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Tennessee, and Kentucky,—*eight;* whilst Burr received those of New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, and South Carolina,—*six*. The votes of Vermont and Maryland were divided. Five-and-thirty times, day after day, (and the 15th was a Sunday!) until the 17th, was this result obtained from the bal-

* We have not, for obvious reasons, admitted into the text the account given by Mr. Davis, in his "*Life of Aaron Burr*," (vol. ii., pp. 71–74,) of the opening of the packets containing the electoral votes. Mr. Davis charges directly upon Jefferson the obtaining the four votes of Georgia for himself and Burr, when there were no signatures whatever of the electors to certify the votes of that state! By this means, he brought himself and Burr only, before the House, and compelled the federalists to make choice between them. If Adams and Pinckney too had been eligible, as they would have been had it not been for the Georgia votes, Jefferson could not have been elected; for the federalists had a majority in the House. Such is the story, as Mr. Davis relates it. While we admit the possibility of such a procedure on Mr. Jefferson's part, we certainly think it very improbable, especially seeing that it has not been brought to light before this late day.

lot. One hundred and six members were present, of whom *fifty-one* voted for Jefferson. Some of them were infirm or indisposed, and were accommodated with beds or couches; and one member was so unwell as to be attended by his wife.

The excitement of the hour was not a little increased by rumors of intrigues and bargains between the members and the rival candidates. Jefferson, who certainly hated his opponents quite as cordially as they disliked and feared him, attributed to the federalists a very wild and—if ever entertained, which we do not believe—a very foolish design. "If they could have been permitted," he tells Monroe, "to pass a law for putting the government into the hands of an officer, they would certainly have prevented an election. But we thought it best to declare, openly and firmly, one and all, that the day such an act passed, the middle states would arm, and that no such usurpation, even for single day, should be submitted to. This first shook them, and they were completely alarmed at the resource for which we declared, to wit, a Convention to reorganize the government and to amend it. The very word 'Convention' gives them the horrors, as in the present democratical spirit of America, they fear they should lose some of the favorite morsels of the Constitution."

1801.

The federalists had the disagreeable but responsible duty of deciding between the two candidates, both of whom they feared and distrusted. There were six Representatives, any one of whom could have decided the election; Bayard, sole Representative of Delaware; Morris, federalist colleague of Matthew Lyon from Vermont; with Craik, Thomas, Dennis, and Baer, of Maryland. Caucuses were held frequently; private conferences were more numerous; agreements to stand together; promises of office, requests for office, conditional on one or other issue of the ballot; were not uncommon. If no conclusion were reached by the 4th of March—what could happen but a usurpation, or civil war? Bayard at length obtained what he regarded as a promise from Jefferson, to respect the debt, to encourage commerce, to foster the navy, and to retain subaltern officials, who were objectionable on the ground of political opinions solely; and then he and his companions resolved to allow the voting to terminate by the allotment of the presidency to Jefferson, and the vice-presidency to Burr.*

One ballot, it was the *thirty-fifth*, taken about noon on February the 17th, gave the result so often reached. Jefferson was there, restless and eager, the result not yet reached but certain to arrive; and Adams, excited and chagrined, and uneasily waiting the settlement of the question, which, howhowever it might terminate, could bring no good to him. An hour passed; the six confederates agreed to vote *blank;* and the result of the *thirty-sixth* ballot was, for Jefferson, New York, New Jersey, Pennsylvania, Virginia, North

* See Tucker's "*Life of Jefferson*," vol. ii., p. 81. For Mr. Madison's letter to the "National Gazette" in February, 1831, on the subject of the pledges or promises made by Jefferson to Bayard, see the same volume, pp. 510–515.

Carolina, Georgia, Kentucky, Tennessee, with Maryland, left to the four democrats, and Vermont represented now by Matthew Lyon alone; *ten* states in all; an absolute majority, raising him to the presidency:—for Burr, New Hampshire, Massachusetts, Rhode Island, and Connecticut; *four* only. Delaware and South Carolina put in blank ballots. And thus was accomplished what Mr. Jefferson was pleased to denominate the "Republican Revolution of 1801."*

It was truly little better than a "dreary pageant" which the retiring president had before him for the balance of his term of office. Virtually his power was gone; and few cared—such is the way of the world—to pay any regard to the rapidly setting sun, especially, when the rising orb was the astute head of the now victorious democratic party. John Adams went through the last few weeks of his year without spirit or interest; and when the last day came he abruptly took his departure for home. It was too much for his powers of endurance to wait and witness the triumph of his successful rival; and so, very early on the morning of the 4th of March, he bade adieu to the capital, and to public life.† "His presidency," as his grandson says, "had been one long and severe trial, in the course of which it was his lot to have his firmness and independence of spirit put to the test for the fourth time in his career, under circumstances more appalling than ever before. For the first time his own popularity sunk completely under the shock. He retired disgraced in the popular estimation, and his name became a by-word of odium for many years. But he had fully redeemed the pledge into which he had entered with himself at the commencement of his career, to 'act a fearless, intrepid, undaunted part,' though not forgetting 'likewise to act a prudent, cautious, and considerate part.' And never was a union of these qualities more exemplified than during this administration, in the course of which his inflexible courage had saved the neutral policy, and had removed the obstacles which threatened the prosperity of the nation at the moment that he took the helm."*

1801.

Mr. Gibbs, at the close of his second volume, enters upon an elaborate review of the various causes which led to the downfall of the federal party. His remarks deserve attention and respect; while at the same time we think, he is unnecessarily severe in speaking of the "insane jealousy and suspiciousness, the morbid irritability, the egregious vanity and egotism, the obstinacy and vacillation," of John Adams, who as he asserts, "had the doubtful satis-

* See note with the ballotings in full, the names of the members, etc., in Benton's "*Abridgement of the Debates of Congress*," vol. ii., pp. 533, 34.

† Mr. C. F. Adams devotes several pages to a defence of his grandfather's conduct in suddenly leaving Washington on the 4th of March. See "*Life and Works of John Adams*," vol. i., pp. 599–601.

* For some keen and searching remarks, very graphically, and, on the whole, not unkindly expressed, respecting Mr. Adams and his career, we refer the reader to Mr. Baldwin's sketches of "*Party Leaders*" in American History. An extract from this interesting volume will be found in the Appendix at the end of the present chapter.

faction of gratifying his revenge upon Hamilton at the cost of his own ruin and that of those who supported him." Believing, with the ardent advocate to whose able work we acknowledge our indebtedness, that the federalists, as a party, have had scant justice meted out to them by their successful rivals, we shall conclude the present chapter with Mr. Gibbs's high, but not undeserved, commendation of the great men who were first entrusted with the administration of our government under the federal constitution.

1801.

"With the exception of the errors of Mr. Adams, an exception springing from an abandonment of federal policy, the first twelve years of our constitutional government deserves, and from an impartial posterity will receive, the admiration and respect of our country. In those days there were giants in the land. Dignified and elevated as was the character of Washington, pre-eminent as he stood amongst the great and illustrious personages of history, there were around him and with him, upon the stage of public action, others, who at any time would have been, who even then were, conspicuous as monuments amidst their race; men who are found only in revolutions; who, in times of fat and prosperous security, remain inert and obscure; who appear only with the storms of state; whose ardor and patriotism are roused in proportion to the danger; whose self-reliance increases with peril, and whose resources are fertile in the same degree that they are taxed. Such were the great representatives of the federal party; the men whose names are household words, examples for the imitation of those that come after. Blot those names from our records, and what indeed would remain!

"The tone of their government was in accordance with the character of its administrators: they had considered official station, not as a reward of partisanship, but as a trust confided by the nation to those who had marked themselves worthy of the trust; they had inculcated maxims of reverence for the laws as the true loyalty of republicans; their foreign policy was distinguished by a pure and undeviating love of country, their domestic, alike by ability, integrity, and foresight. Firm, prudent, and honest, they indulged in no levity of resentment to other nations, nor wavered at the apprehension of danger from them. With the single object of the public good, they never hesitated to incur individual odium or misrepresentation. Their power was, however, taken from them. The confidence of the people, shaken less by open assaults than by secret undermining, was withdrawn, and the government passed into the hands of its early and steadfast opponents. Then came a new race into the management of affairs."*

* Gibbs's "*Administrations of Washington and Adams*," vol. ii., pp. 513–514.

APPENDIX TO CHAPTER XIII.

JOHN ADAMS AND THE FALL OF FEDERALISM.

It is impossible, we think, to look back upon the administration of Washington, and not disapprove of the temper, if not of the fact of opposition to it. Consider that the government was an experiment; that successful administration was almost as essential as the Constitution itself; that every thing was at sea and in chaos; that there were no precedents or lights in the past to regulate the working of this new and anomalous machinery; that almost *any* government was better than the anarchy and confusion which must have resulted from throwing off or checking the present government; that there were difficulties and trials of all sorts, external and internal; that most of these measures were really unobjectionable, some of them absolutely necessary, and none of them incorrigibly evil; that all views were represented, and all parties heard; and the final judgment pronounced by the functionary chosen by all, and against whose wisdom and disinterested patriotism no suggestion could be made by any reasonable or sober-minded man;—when these things are considered, we are amazed at the almost ferocious opposition with which every measure proposed was assailed, on grounds and pretexts, too, for the most part unreasonable and untenable, sometimes even puerile and factious. But against all this opposition the administration triumphed; and, we think, considering the obstacles arrayed against him, domestic and foreign, intrinsic and factitious, the great chief exhibited a genius for statesmanship, in no degree inferior to that which he displayed in the field. Indeed Washington, the Statesman, was even a greater man, we think, than Washington, the General.

. . . . . .

Up to this time the federalists had prevailed on all important issues: the financial policy; the international questions; the British Treaty; the neutrality policy; the question of the powers of the executive as to removals from office; the power of the legislature to defeat a treaty by withholding appropriations to carry it into effect; the first exertion of physical force to suppress opposition to the laws; and the people, by electing Mr. Adams, who approved all these measures, over his opponent, seem to have avouched this policy. Republican stock was at a discount. Indeed, Jefferson seems to have thought the prospect rather gloomy, for, in a letter to Mr. Madison, January 1, 1797, he suggests whether it "would not be better for the public good to come to a good understanding with Adams as to his future elections," he being "the only sure barrier against Hamilton's getting in."

The weight of talents was, we think, with the federalists. Washington, Hamilton, Marshall, Henry, Ames, the Lees, the Adamses, Otis, Pickering, Livingston, the Pinckneys, and Luther Martin, are but a few of the names that shone in the bright galaxy which revolved around or composed the first administrations; while the old military corps, in its higher and lower grades of service, generally were on the same side.

The insolence of France and its rejection of our ministers; its assaults upon our commerce; the measures taken by the new administration to avenge these indignities, and to protect our rights, swelled the popularity of the executive, and damped the spirits and ardor of opposition.

That the party in power, for a long while at least, might have maintained its supremacy, is almost certain, had it not been for causes originating with itself. But the prudent course was not pursued. Mr. Adams was, in many respects, the most improper selection that could have been made for president. It is true, he had a strong record of services, and great claims upon the gratitude of his country. He belonged to an influential family; he came from, at that time more than now, an influential section; which had

contributed largely to the glory and success of the Revolution, and had stood the first and fiercest onset of tyranny. He was a man of positive character, of pure reputation, of great courage and boldness, of impassioned eloquence, and of active and untiring energies. His patriotism, honesty, and magnanimity, were known to the country. He was one of the very earliest champions of freedom; had moved the appointment of Washington to the command of the army; had seconded the Declaration, and was its most eloquent advocate. It was he, more than any other man, who, by his zeal, eloquence, and boldness in the Congress, kept up the hopes of the patriots, and pushed through the measures that, in the dark hours of the struggle, were needed to sustain it and give it success; and to the negotiations, so important to the achievement and security of the final victory, he had largely contributed. Indeed, his life was a sort of embodiment of the political history of the Revolution.

But he had some great faults of temper and character. He was bold, but his boldness ran into rashness. He was frank, but his frankness ran into indiscretion. His confidence made him the dupe of the most transparent designs, and his suspicions alienated him from the most trustworthy. He was full of learning, and he was full of crotchets. His judgment was far from sound; yet he had such conceit of his wisdom as made him think himself nearly infallible. His vanity was enormous, irritable and itching, and was the door through which artful men easily came into his confidence. He thought himself equal to Washington, and complained that he did not get an equal number of votes, with an equal chance for the presidency. He was really, at bottom, a kind, generous, noble-hearted man; but his manners were so far from conciliating, that they conveyed a very different impression. He was incapable of concealment. He could be read as easily as his messages. Whatever he thought he spoke, and was perpetually giving offence and handles to his enemies, and getting himself into hot water with his friends.

On some subjects, he was little better than a monomaniac. Among these, was his jealousy of Hamilton. He looked on Hamilton with unconquerable aversion. He seemed to regard him as his evil genius. Hamilton haunted him like a demon; he sat on him like a nightmare, disturbing his peace and marring his enjoyments. He thought Hamilton was in a perpetual scheme and intrigue against him. In whatever irritated him, he could see the hand of Hamilton. In every squib fired at him in the papers; in every lying rumor that was bruited about the political circles, he saw the agency of the never-resting and diabolical Hamilton. He denounced Hamilton, everywhere and on all occasions, with as little decency as reason. He became furious when his name was mentioned. His denunciations, after a while, grew too public and notorious to be disregarded. Hamilton wrote to him, desiring an explanation. He refused to return any answer. Hamilton wrote again, denouncing him, in unequivocal terms, as a liar and a slanderer.

Unfortunately, Mr. Adams was constitutionally obstinate; more unfortunately, he was fickle and vacillating. The country was hot for war. France was not foolish enough to go to such a length. She was in no condition for it. She never intended it. She would soon have sued for peace. In one of his self-willed whims, without mentioning the subject to his cabinet, Mr. Adams, as we before remarked, in the teeth of the insults and contumelies of the French Directory, sent off envoys to France to seek a settlement of the difficulty. France clutched at the chance; and, thus, the war fever ended by a revulsion against the administration on account of its humiliating conduct. Washington, when he heard of the proposition, declared himself "horror-struck." Hamilton exclaimed against it. The public spirit of the nation was disgusted and humbled. Whether the fact, that Hamilton was second, and, in case of Washington's death, would be the first in the army (an appointment wrung from Adams, with much groaning of spirit, by Washington's peremptory persistence) whether this circumstance had any thing to do with this unfortunate mission is not known; but it is pretty certain that the success of the war movement, by bringing France to terms, would have given such a head of popularity to the federal administration, as would have made future opposition to it, for some years at least, futile.

The alien and sedition laws, too, contributed to the unpopularity and downfall of the adminis-

tration. If the war had gone on, probably they would not have had much influence. All minor questions would have been swallowed up in the war. They gave, however, the republicans an issue upon which they could safely go before the country. Having deprecated the war with France, they were not in a condition to avail themselves of the mission to much advantage. The war itself was popular. Not much capital was to be made of that. The alien and sedition laws involved distinctive principles, and made a platform broad enough, covering the whole question of the relations between the states and federal government, upon which a party might stand.

Public opinion has long since agreed, that these measures were unconstitutional and improper. They had, however, their apologists and apologies in their day. They were passed in times of violent excitement; when thirty thousand foreign emissaries, it was said, were engaged in machinations against the government; and when the press exhibited a licentiousness never before known. But to make the mere suspicion of the president, however excited, the ground for sending into exile a person residing here; and to protect specially the characters of the officers of the general government by law of that government, seem to us clearly beyond the powers of the government. Why should the general government protect the reputation of its own officers, by special law, any more than their property? But more broadly, although defaming a man, public or private, is certainly an outrage, yet the freedom of newspapers to tell lies on public men, is so associated with their power to tell the truth, that we think it impolitic to attempt, by law, to punish such lying. The law would afford but a scant redress and no terror; and the public have long ceased to believe any charge, made without proof, in a party paper. Besides, in high party times, such a law, if not impracticable of execution, would transfer the excitement of the stump and hustings to the courts of justice.

Others causes soon came into play. Washington died. The great American heart had ceased to beat; and his powerful influence freely given to Mr. Adams's administration, without any personal preference *for him*, was now withdrawn. Before he died, he had summoned Patrick Henry to the field to combat for the administration. He came forward, struck one more blow for what he thought the right, but fell back, soon afterwards, into the grave. Hamilton, "the host within himself," was still left. He had helped to rally the party in 1799, and the federalists had again carried the day in the congressional elections. But now *he* was alienated. He preferred C. C. Pinckney, than whom a more chivalrous and magnanimous patriot never lived. The folly of Mr. Adams, in dismissing two of the members of his cabinet, under circumstances of irritation, completed his ruin. The tide now began to ebb, when, to cap the climax, Hamilton came out with his pamphlet denouncing Adams, on the eve of the election in New York. The federalists were divided and disheartened; and Jefferson and Burr won the day. In the contest between Jefferson and Burr, before the House, Hamilton, much as he disliked Jefferson, threw his influence in his favor.

Hamilton was now in private life, and his great rival was in the highest seat of power. The object of Jefferson's personal ambition, after so many vicissitudes, had, at last, been attained. It remained to see, whether he could do what is often harder than to win power—retain it.

CHAPTER XIV.

1797-1801.

PROGRESS IN NATIONAL PROSPERITY.

Some notices of internal progress required — The northern states support the administration, New England especially — Proposition in Massachusetts — Jefferson's remark — North eastern boundary line — Matthew Lyon in Vermont — Activity and enterprise in the northern and middle states — The newspaper literature of the day — Noah Webster — The "Connecticut reserve" — Slavery abolished in New York — Outline of the bill — Settlement of state accounts with the federal government — Sullivan's "Familiar Letters" quoted — Georgia and its new constitution — The views of Jefferson, in 1811, on the Kentucky and Virginia Resolutions — Letter to Destutt Tracy — The South Carolinians at this date, according to Joseph Allston — His letter to Burr's daughter — Notice of the cotton trade — Marvellous progress of the western states — New constitution of Kentucky — Henry Clay in the Convention — His first public effort — Territory of the United States west of the Chattahoochee — Spanish evacuation of the Natchez district — The "Mississippi Territory" — Its basis of government — Its rapid progress — Condition of the north-western region — Occupations of the inhabitants — Census taken — Change in the government — "Indiana Territory" erected — Treaties with the Cherokees and the Creeks — Louisiana and its relation to the United States — Henry Clay's speech at Lexington — Jefferson's letter to the son of Colonel Nicholas — Conclusion of the present volume. Appendix to Chapter XIV. Statistical Tables.

In carrying forward the history of the United States thus far, our attention has necessarily been confined to those matters which relate to the progress and prosperity of the Union, considered as a whole, and we have had opportunity to do no more than make here and there an incidental allusion to the internal condition of the several states, and the growth of the great west in population and political power. At this point, however, in our narrative, it may be well to gather into one chapter such brief notices of omitted topics as may interest the reader, and afford him a larger insight into the actual condition of affairs in the northern, southern, and western sections of our vast country. As our general story relates to the Union itself, we do not trouble ourselves with the details of the political changes in all the states forming it. Those we may advantageously leave to the local historian; but such sketches as exhibit the people themselves, in their onward progress, are quite within our scope; and are calculated to aid very materially in accomplishing the purpose we have, just now, in view.

The question of the national armament against the encroachments of France, was the one which provoked the warmest contests, not only in the state legislatures, but in every social circle in the Union. Some glimpses of the excitement, and of the upshot of it, we have caught in the former chapters of this book; and we may briefly notice them here.

In the northern states, the action on this and all other points of the policy of the administration, took a very different form from that assumed by it

in the south and west; and we see very distinctly the more civilizing influence of commerce, which was the chief pursuit here, compared with agriculture, which occupied most of the attention of the states below the Delaware. The first expression of public opinion was adverse to the views of the president; but it was feeble and ineffectual. Resolutions were introduced in the legislature of Pennsylvania, deprecating the measures of defence which Adams had recommended and Congress warmly adopted; but they were lost, though by a small majority.

New England was, at this trying season, the bulwark of John Adams's administration. The legislatures passed votes approving the policy of the president; and the general court of Massachusetts proposed, with the sanction of five other states, to amend the Constitution by disqualifying natives of foreign nations from ever bearing office in America! Jefferson expressed his indignation against their fidelity to their principles most characteristically;—"They are so priest-ridden, that nothing is to be expected from them but the most bigoted passive obedience."

One step was taken now, in 1798, towards the settlement of the north-eastern boundary line; the commissioners agreeing that the Passamaquoddy was the St. Croix River, spoken of in the treaty of 1783, and determining that the Chiputnaticook, or branch running from the north, was the main stream, and not the stream running from the west, through the Schoodic lakes. A monument was erected at the source of the former branch; and there the negotiation obstinately stopped, until the year 1842. Greater security was, however, given to various grants of land in Maine, by this approximation to a settlement; and had the evils been altogether intolerable, we may be sure that they would not have been left unabated for nearly half a century, by two nations like Great Britain and the United States.

Matthew Lyon, who attained some notoriety by his course in Congress, (see p. 431,) was more honorably occupied on his return to Vermont. Fairhaven, we are told by an admirer and eulogist of Lyon and the Green Mountain state, joins on Skeenesborough, and is the most flourishing town in the state. It owes its consequence to its founder, Colonel Lyon, whose enterprise and perseverance in carrying on manufactories, has been of infinite utility to the public, to the gratitude of which he has the strongest claims. He has erected a furnace for casting all kinds of hollow iron-ware, and two forges, a slitting mill for the making of nail rods, a paper mill, a printing-press, and corn and saw mills. It is a curious fact that Colonel Lyon has executed a good deal of printing at his office, (he was the editor of a newspaper, which bore the portentous title of "Scourge of Aristocracy, and Depository of important Political Truth,") on paper manufactured by himself of the bark of the bass-wood tree, and which is found to answer every purpose for common printing. His type was also of his own casting. And he was married to the daughter of the governor of the state, who, though

holding that elevated office, continued, with patriarchal simplicity, to pursue his calling as an innkeeper.

This is only one form of the public activity of the northern states. Another still may be seen in the noble State-house at Boston, on its proud elevation, the harbor, crowded with shipping, and the busy city at its feet. And yet another, in the system of sewers, by which the health of the cities and towns has been so materially secured. For nothing was more frequent at this period, than fatal visitations of the yellow fever. We have spoken of it at Philadelphia, more than once; there were in all four seasons during which it made frightful havoc in the populations of the seaport cities of the United States, and particularly in the north. The water supply of Philadelphia, and the costly and imposing Croton aqueduct in New York, we may mention as monuments of the capability and readiness in this enterprising portion of the Union, to learn from experience, and to turn to account every opportunity of advancing in material civilization. Cobbett's departure from America arose from a too virulent dispute, into which his political vehemence betrayed him, with Dr. Rush of Philadelphia, Jefferson's friend, respecting the origin and the treatment of the yellow fever; the law of libel proving too strong even for him.

The energetic activity and "destructive wrath" of the journalists of the time, we have had frequent occasion to allude to. But commercially, as well as politically, the newspapers of our country deserve notice. Eight papers were published in Philadelphia daily; and in New York, six. These were the great centres of political and mercantile life in the Union; and the possibility of carrying on such undertakings, is an infallible sign of the enterprise and resolution of the people. These journals were very much like those of Great Britain of the same day; and have increased in numbers, and decreased in price, in later years, to a degree that leaves all other countries behind. It is by comparison with the present day, and with other countries, that the journalism of America, at the close of the last century, can best be appreciated; and it will be regarded, after such a survey, as one of the best signs of the progress of the several states that can be found. We shall find only one place south of the Delaware, that can be mentioned in this connection,—Baltimore, which supported three daily papers. The rest of the two hundred journals which existed then, were published weekly, or twice a week. Boston had no daily paper. The first editor of a newspaper, who was engaged for that purpose solely, was Dr. Noah Webster, the author of the well known "American Dictionary of the English Language." A little while before Adams was raised to the presidential chair, Webster began to edit the "New York Minerva, or Commercial Advertiser." The writings of the most eminent statesmen and political leaders of the times, always excepting Jefferson,—who seems to have entertained a singular dislike to the publicity of newspapers,—show how much use was made

of these journals for national as well as for party purposes. And, as we have before remarked, about a hundred and eighty journals supported Adams; and twenty, most of which were edited by aliens, represented the opposition; more than making up, by virulence and extent of circulation, for their inferiority in number to the federalist papers.

Connecticut, in making her cession of claims upon the western lands, retained a considerable district in Ohio, known by the name of the "Western" or "Connecticut Reserve;" which was finally ceded to the United States in 1800, and by the United States to Ohio. The foundation of the ample school-fund of Connecticut was laid in the proceeds of this reserved tract. About the same time Pennsylvania undertook, with the assistance of Connecticut, to indemnify the claimants of lands under grants from Pennsylvania, which were also claimed under grants from Connecticut, by money payments at a stipulated rate per acre. And the Connecticut possessors were very glad, by the payment of the portion assigned to their state, to have their lands with a clear title.

We may remark one rather strange fact in Pennsylvania at this time;—it was found impossible to carry in the Assembly a proposition for the immediate and entire abolition of slavery in that state. A more judiciously drawn bill for the gradual extinction of slavery, passed in the legislature of New York. As this was successful in respect of the design entertained by its framers, we give a slight outline of its provisions. In the first place, all slaves at the time of the passing of the act were to remain so for life, but they might not be sold or taken out of the state; the attempt to do this gave the slave immediate freedom. Immigrants might bring slaves with them, if they had possessed them for a twelvemonth; but they might not sell them, even in the state. The offspring of slaves, born after the next following "fourth of July," were declared free, but were to be retained as indented laborers, or apprentices, by the owners of their mothers; till the males were twenty-eight, and the females twenty-five years old. This emancipatory act was not perhaps, the best conceivable, but it recognized the rights of humanity in the negro race; and it attempted also a reconciliation of those rights with the rights of society, which the emancipation of a servile class always brings into jeopardy.

During Adams's administration, the seat of government of the state of New York was removed from the city of New York to Albany. This tendency in our political arrangements to place the centres of the various governments at a distance from those of commercial activity, is remarkable, and deserves the thoughtful attention of the student of history. Another tendency, illustrated by more than one state in the Union; viz., in cases of corporate responsibility to attempt to repudiate pecuniary obligations, demands further investigation. The federal government found it impossible to bring any of the states to the settlement of their accounts which remained open at the end of the Revolutionary

war. An act was now carried, to free from all further claim the states which laid out in fortifications, or would undertake to pay in the course of five years, sums in the stock of the United States, equal to their unpaid balances, or to the amount of state debts in each case, assumed by the federal government. New York did reduce the balance against her, by erecting fortifications; but not one of the other states concerned itself any further about the payment of its share of "the price of liberty."

A passage from Sullivan's "Familiar Letters," referring principally to the northern states, is worth quoting in the present connection. "About the end of the century, the forms of society underwent considerable change. The levelling process of France began to be felt. Powder for the hair began to be unfashionable. A loose dress for the lower limbs was adopted. Wearing the hair tied was given up, and short hair became common. Colored garments went out of use, and dark or black were substituted. Buckles disappeared. The style of life had acquired more of elegance as means had increased. Crowded parties in the evening were not as common then as they are now. There was more of sociability, and less form and display, than there is now. Some of these changes may be referred to the increase of numbers and of wealth. The Americans are not a people of light, spiritual amusement, as the French and Germans are. In this part of the country, they are much more like what the English are represented to be. There must be many still living, who remember the frank, friendly, social, unceremonious intercourse, which prevailed thirty or forty years ago. [Written in 1833.] Has it disappeared? If it has, from what cause? And is the present state of things a better one?"

Turning our attention to another section of the Union, we find that the state of Georgia, in the year 1798, as its constitution of 1789 had expressly provided, revised its frame of government, for the purpose of turning to profitable account its experience of the working of its various institutions. No fundamental changes were made. Property qualifications for members of its legislature, and for the governor, were retained, but at a lower rate, so as to open those distinctions to a larger circle of the citizens. The more important qualifications of citizenship and residence, which were the barriers against the power of aliens, and of immigrants from other states, were altered so as to be more restrictive in their operation. Twelve years of citizenship in the Union, and six of residence in the state, were required in the case of the governor; none were eligible as Senators who had not been citizens nine years, and residents three; nor as Representatives without seven years' citizenship, as well as three years' residence. The principle of representation, including the "three-fifths" of slaves, was brought into greater conformity with that adopted as the basis of the apportionment of members in the Federal Congress; only, no county was to have more than four representatives; and every county with a pop-

ulation of twelve thousand was entitled to four; a population of seven thousand was to be represented by three members; one of three thousand by two; and any other number by one.

Future emendations were to be effected by bills, passed by a vote of, at least, two-thirds of both houses, in two successive legislatures; after having been published for general and popular discussion a full half-year before election of the second legislature.

Of the action taken in Kentucky and Virginia, upon the measures of Congress and the policy of Adams's administration, we have spoken quite at large in a previous chapter. We have also pointed out Mr. Jefferson's connection with this matter. Perhaps it is only just to that distinguished leader of the great republican party, to quote his matured views on the subject of the Virginia and Kentucky resolutions. In 1811, writing to the Count Destutt Tracy, he says:* "The true barriers of our liberty are our state governments; and the wisest conservative power ever contrived by man is that of which our Revolution and present government found us possessed. Seventeen distinct states, amalgamated into one as to their foreign concerns, but single and independent as to their internal administration, regularly organized with a legislature and a governor, resting on the choice of the people, and enlightened by a free press, can never be so fascinated by the arts of one man, as to submit voluntarily to his usurpation. Nor can they be constrained to it by any force he can possess. While that may paralyse the single state in which it happens to be encamped, sixteen others, spread over a country of two thousand miles in diameter, rise up on every side, ready organized for deliberation by a constitutional legislature, and for action, by their governor, constitutionally the commander of the militia of the state,—that is to say, of any man in it able to bear arms; and that militia, too, regularly formed into regiments and battalions, into infantry, cavalry, and artillery, trained under officers, general and subordinate, legally appointed, always in readiness, and to whom they are already in habits of obedience. The republican government of France was lost without a struggle, because the party of '*un et indivisible*' had prevailed: no provincial organizations existed to which the people might rally under authority of the laws, the seats of the Directory were virtually vacant, and a small force sufficed to turn the legislature out of their chamber, and to salute its leader chief of the nation. But with us, sixteen out of the seventeen states rising in mass, under regular organization, and legal commanders, united in object and action by their Congress, or, if that be in *duresse*, by a special convention,—present such obstacles to a usurper, as forever to stifle ambition in the first conception of that object.

"Dangers of another kind might more reasonably be apprehended from this perfect and distinct organization, civil and military, of the states;—to wit, that certain states, from local and

* See Tucker's "*Life of Jefferson*," vol. ii., pp. 322–324.

occasional discontents, might attempt to secede from the Union. This is certainly possible, and would be befriended by this regular organization. But it is not probable that local discontents can spread to such an extent as to be able to face the sound parts of so extensive a Union: and if ever they should reach the majority, they would then become the regular government, acquire the ascendency in Congress, and be able to redress their own grievances by laws peaceably and constitutionally passed. And even the states in which local discontents might engender a commencement of fermentation, would be paralysed and self-checked by that very division into parties into which we have fallen, into which all states must fall, wherein men are at liberty to think, speak, and act freely, according to the diversities of their individual conformations; and which are, perhaps, essential to preserve the purity of the government by the censorship which these parties habitually exercise over each other."

Dr. Sullivan's entertaining and instructive work has furnished us with a number of valuable descriptive notices of men and manners in our country. We prefer, however, in this place, to quote the remarks of a South Carolinian respecting his own state, which may serve as a fitting type of the other states in that part of the Union. "With regard to our manners," writes Joseph Allston to the daughter of Aaron Burr, "if there is any state which has a claim to superior refinement, it is certainly South Carolina. Generally speaking, we are divided into but two classes, very rich and very poor; which, if of no advantage in a political view, is undoubtedly favorable to a polished state of society. Our gentlemen having larger fortunes, and being very little disposed by the climate to the drudgery of business or professions, have full leisure for the attainment of polite literature, and what are usually called accomplishments; you therefore meet with few of them, who are not tolerably well-informed, agreeable companions, and completely well-bred. The possession of slaves renders them proud, impatient of restraint, and gives them a haughtiness of manner, which, to those unaccustomed to them, is disagreeable; but we find among them a high sense of honor, a delicacy of sentiment, and a liberality of mind, which we look for in vain in the more commercial inhabitants of the northern states.

"The genius of the Carolinian, like that of the inhabitants of all southern countries, is quick, lively, and acute.

. . . . . .

In his temper he is gay and fond of company, open, generous, and unsuspicious; easily irritated, and quick to resent even the appearance of insult; but his passion, like the fire of the flint, is lighted up and extinguished the same moment. I do not mention his hospitality and kindness to strangers, for they are so common they are no longer esteemed virtues; like common honesty, they are noticed only when not possessed.

"Nor is it for the elegance of their manners only, that the South Carolinians are distinguished; sound morality

is equally conspicuous among them. Gaming, so far from being a fashionable vice, is confined to the lower class of people; among gentlemen it is deemed disgraceful. Many of them, it is true, are fond of the turf; but they pursue the sports of it merely as an amusement and recreation, not as a business. As to hunting, the country gentlemen occasionally engage in it, but surely there is nothing criminal in that."

"The ladies of Carolina, I confess, are not generally as handsome as those of the northern states; they want that bloom, which, in the opinion of some, is so indispensable an ingredient in beauty; but their paleness gives them an appearance of delicacy and languor, which is highly interesting. Their education is perhaps more attended to than anywhere else in the United States; many of them are well-informed, all of them accomplished. For it would be far more unpardonable in a girl, to enter a room or go through a *congé* ungracefully, than to be ignorant of the most common event in history, or the first principles of arithmetic. They are perfectly easy and agreeable in their manners, and remarkably fond of company; no Charleston belle ever felt *ennui* in her life. In the richness of their dress and the splendor of their equipages they are unrivalled. From their early introduction into company, and their constant and unreserved intercourse with the other sex, they generally marry young."

A few notes of the progress of the cotton trade will suffice in this place. We learn that by about 1798, indigo was very generally given up, and ceased to be grown for market. But the real nature of the new staple was little known. A highly respectable farmer, looking at his first crop, after it had been housed, exclaimed,—"Well, well, I'm done with the cultivation of cotton! Here's enough to make *stockings* for all the people in America!" More remarkable is the fact recorded respecting the sale of an estate by William Brisbane, in South Carolina. It was White Point plantation, St. Paul's parish. He was so successful in the growth and sale of his crops in the three years 1796, 1797, and 1798, that he rose from moderate circumstances to be, in his judgment, sufficiently independent to give up the toil of cultivating the earth; and sold his lands to William Seabrook, to whom we are so much indebted for his account of this trade. The price was declared by many to be ruinous, but with the proceeds of the crops of two years, the whole was paid! *Sea-Island* cotton sold in Liverpool, in 1799, at from five shillings to five shillings and three-pence per pound; but in Charleston at one shilling and four-pence or six-pence per pound. At this time the processes of cultivation, and the preparation of the material for the market, were of the most slovenly character, and so comparatively inexpensive; but the small amount of the produce, compared with the quantities now grown, made the high prices less profitable in reality, than to us they would at first sight appear to be.

Wonderful as was the progress of the old states, on the Atlantic seaboard, in population, wealth, and all the ap-

paratus of civilization, during the administrations of Washington and John Adams, they were outstripped and left far behind by the states beyond the mountains. And the marvellous rapidity of uprise and development of these republican sovereignties, is exceeded, in point of interest, by the opportunity they have afforded to the historian, the statesman, and the philosopher, for the study of the phenomena successively displayed in the growth of a state.

In 1799, Kentucky, by a convention specially summoned, revised its constitution. "The General Assembly of the Commonwealth of Kentucky," continued to be composed of a Senate and a House of Representatives. The latter, with one-fourth of the Senators, were made eligible annually by the people. The governor was also made eligible by the people, once in four years; but, withal, ineligible for the seven years succeeding the expiration of his term of office. A lieutenant-governor was to be chosen at the same time; and to him was assigned a position and duties, exactly resembling those of the vice-president of the Union. The Representatives were never to exceed a hundred, nor fall below fifty-eight, in number; nor were the Senators to exceed thirty-eight, nor fall short of twenty-four. Free male citizens of twenty-one, negroes being always excepted, resident for two years in the state, and for one in the county, were invested with the right of suffrage.

There is nothing especially worth notice in these provisions. But it is worthy of remark, that in the convention sat a young legal practitioner, who had not long before settled in the state, and was a Virginian by birth; who was destined subsequently to make his mark upon his country's history. This was Henry Clay, who signalized himself on this, his first public appearance on the political stage, by giving his support to an expression of "the deep hostility of a respectable minority" of the people of Kentucky, against slavery, in the form of "a plan for its gradual and safe abolition." It was proposed that the generation then in bondage should so remain; but that all their offspring, born after the passage of the law, should receive their freedom, on arriving at a certain age;—and it was to be the duty of their masters to give to them, meantime, such instructions as should fit them for the contemplated change in their condition. But though founded in essential justice, and shown to be essentially safe to the commonwealth, the people of Kentucky were decidedly hostile to these great principles: and by the ardor with which he upheld and enforced them, the rising fame of Mr. Clay was overcast by public odium. The great majority of the members of the convention voted against any change in this feature of the existing laws. But, says one of the biographers of Clay,—"his own conviction of the justice of his cause remained unclouded, and his sympathies for the slave uncooled, by marked manifestations of the popular displeasure,—always so chilling to the heart of young ambition."

To the conflicting claims of the federal government, on behalf of the Union, and of the state of Georgia, to

the territory west of the Chattahoochee, reference has been made already. South Carolina had formerly claimed lands lying on the Mississippi, in the same way as Connecticut had claimed lands on the Ohio,—regardless of the fact that Georgia lay between the territory claimed and that actually possessed, just as Pennsylvania did in the latter instance. But Carolina ceded to Georgia the claims it could not make good; and left that state to carry on the dispute with the government of the United States.

There were two additional circumstances, which not a little increased the complication of the affair. The southern portion—the northern limit of which was the parallel of latitude of the point at which the Yazoo entered the Mississippi, extending from this river to the Chattahoochee—had belonged (so the federal government alleged) to West Florida; and therefore when ceded by Great Britain by the treaty of 1783, became the property of the nation, and not of the particular state which happened to lie nearest to it. And, further, good part of this southern portion had actually been seized by the Spanish government, and was not evacuated, although by the treaty of Madrid, in 1796, it had been ceded to America.

The Spanish governor of the Natchez district, on various frivolous pretences, interposed vexatious delays, and tried severely the patience of Colonel Ellicott, the United States commissioner for arranging the boundary line between the Spanish colony on the south and the United States. Not until the 29th of March, 1798, was Natchez itself evacuated by the Spaniards. And the orders for this tardy fulfilment of the treaty were kept private, so that it was by accident alone that Ellicott knew of the design; which, as if to make that dishonorable which was not so in itself, was put into execution in the night-time. Very early on the morning of the 30th, the commissioner rose, and going near the fort, perceived the rear-guard just passing the gates. At four o'clock all the Spaniards were gone; and from the deserted parapet, Ellicott had the satisfaction of seeing, through the dim twilight, the boats and galleys pushing off from the river's bank, and getting under way. When the sun arose, the fleet was out of sight.

Georgia had already taken prudent counsel, and had given up to the United States government the portion we have named; for which a sum of money was to be paid at once; and further moneys, with more costly trouble, to be expended on the extinction of the Indian title to the lands lying between the line from the Yazoo to the Chattahoochee, and Tennessee. By an act of Congress, approved on the 7th of April, this same year, this tract was erected into a territory, under the title of "The Mississippi Territory." The government was based upon the model of the North-Western Territory; and the question respecting the admission or exclusion of slavery, was earnestly and hotly contested. Thatcher, of Massachusetts, supported by eleven others, fought the battle for exclusion with zeal and courage, but without success.

Winthrop Sargent, who, as secretary

in the North-Western Territory, had experience of the conduct of the affairs of a state in its nonage, was appointed governor, and he arrived at Natchez in the following August, with the judges and their friends, and a number of emigrant families from the north of the Ohio. By about April, 1799, the organization of the territory was completed. There were then, in its widely scattered settlements, exclusive of slaves and Indians, about five thousand persons. The only channels of intercourse with the states on the Atlantic, was by the Mississippi and the Ohio, through Kentucky and Tennessee, by the ocean; or by the solitary Indian trace, which conducted to the Cumberland settlements, or those of the Oconee, five hundred miles distant, in Georgia.

By the next year, however, the population had increased so greatly, and there prevailed so much dissatisfaction amongst them, in consequence of "the arbitrary measures of Governor Sargent, and his council," respecting which repeated remonstrances were presented to Congress; that, "by special favor," an act was passed, "authorizing the establishment of the *second grade* of territorial government, at an earlier period than the population of the territory would authorize, under the provisions of the ordinance of July 13th, 1787." A House of Representatives was elected, accordingly, and the members of the council having been reappointed, "the General Assembly was organized for business in December." Arrangements were also made for settling with Georgia concerning its claims, it being expressly stipulated in the act, that Georgia was to be paid only out of the proceeds of land sales in the Mississippi Territory.

Turning our attention to the northwestern region, we find that after the close of the Indian war and the restoration of peace to the harassed settlements, the tide of prosperity began to set in. The inhabitants, who had been for five years confined to the walls of their garrisons, and only went abroad with the fear of death from the lurking savage continually in their minds, now gladly went forth to their labors free of restraint. Each man took possession of his lands, and commenced clearing and cultivating his farm. Mills were erected, roads opened, and bridges built, as rapidly as the sparse population of the country would allow. Many new inhabitants moved into the country from the eastern and middle states, induced by the rich soil and temperate climate of the valley of the Ohio; while the Virginia and military lands of the United States, called many more who had earned an interest in the bounty lands, by their services in the Continental armies.

The intelligent farmers in the southeast quarter of Ohio, soon began to reap the fruits of well-applied industry. Domestic manufactures made great advances. Hemp, flax, cotton, and silk, were grown, and the spinning-wheels and looms were busily used by the thrifty inhabitants of that fertile region. The young women especially, entered with hearty zeal and with emulation into those labors so cheerful to the happy home, and so important for the comfort and enjoyment of life; and

we can well believe, that many of the fashionable diseases of our day, were unknown among the active, lithe, and industrious daughters of the west.

Immigration continued, in a constantly increasing stream; towns sprang up as if by magic; tracts of demonstrated fertility showed more than a sparse population; and every river was used as a high road, to penetrate deeper and deeper still into the unknown and untried forest regions. The "Connecticut Reserve" had been transferred to a Land Company, who had commenced the material improvement of their purchase in good earnest; but being embarrassed respecting the jurisdiction, they gladly acquiesced in a scheme by which that responsibility was given up to the United States, and by the federal government vested in the established territorial polity of the North-Western Territory. It was by "blazed traces" that the remotest settlements, not situated near rivers, still communicated with the old states; but speedily these became dotted all along with "improvements," and a cabin and a clearing was to be seen every eight or twelve miles, as far as they extended.

The glory of the old forts, with their stockades and block-houses, departed, and the defences so often stoutly contested against the Indians, fell into neglect, and in time disappeared. The out-posts were such as Zanesville is described at this time as being;—"a wilderness house of entertainment, near which were encamped a few white hunters, surrounded by Indian wigwams, occupied by the native savages, employed in hunting, fishing, trading, and drinking;"—or such as was seen near the site of Columbus, which was then covered with almost impenetrable forest,—"a number of newly-erected log-cabins, without chinking or daubing, and having only a blanket in the doorway, instead of a wooden door."

Detroit had now become the centre of a yet more distant cluster of settlements; and, with those on the Maumee and other streams, formed part of the North-Western Territory. Down the Wabash and the Illinois were plain traces of the French pioneers in this region, and the inhabitants retained their attachment to the Roman Catholic religion, and had little liking for the more active spirit which was advancing upon them from the east. During the summer of 1798, a census was taken, and it was proved that the whole number of free white males amounted to full five thousand. This condition entitled the people to the *second* grade of territorial government. On the 29th of October, therefore, Governor St. Clair issued his proclamation for the choice of twenty Representatives, (one being allowed to every five hundred male inhabitants,) to serve as a lower House. "Those elected to serve in this legislature," says Monette, "were such as are not excelled, in point of talent, by the members of any legislative body in the United States, even at this late day."

Representatives were required to be citizens for the previous three years, and residents in the districts electing them; or to have resided in the district for three years; and further, to be possessed, in their own right, of the fee-simple of two hundred acres of land

in it, each. Voters were required to possess fifty acres of land, and to be citizens and residents in their districts for two years. The first business of the House, which met at Cincinnati, in January, 1799, was to nominate two persons, each a freeholder of five hundred acres; for the president to select five, to form his council; which done, the meeting was prorogued till the following September.

The "Pioneer History" sketches the physical toils of this first meeting, graphically enough. "This meeting, at an inclement season of the year, required no little labor and privation on the part of the Representatives to accomplish. The distance they had to travel, on horseback, was from two to four hundred miles, through a wilderness; carrying their provisions and blankets; camping in the woods at night, a part of the time; swimming their horses across the streams, and getting through the forests by the 'blazed' trees, or the compass, as they best could. There were no roads but bridle paths, or the old trails of the hunters." And after that trifling amount of business, they had to return "by the same laborious routes, to be again travelled over at a more temperate season of the year, and when the streams of water were at a lower stage."

On a previous page (see p. 500) we have recorded the active efforts made by William Henry Harrison, the first delegate from the territory, to induce Congress to fix upon a systematic plan for the sale of the vast unoccupied public lands. In May, 1800, the act of Congress was approved, by which the western part of the territory was separated by a line to be run due north from the entrance of the Great Miami into the Ohio, until it should intersect the parallel of latitude which passes through the southern extremity of Lake Michigan. Detroit was thus left to the old north-western government; but from the Great Miami westward to the Mississippi, and from the Ohio north-westward to the sources of the "Father of Waters" and the Lake Superior, all was included in the newly-organized territory, which received the designation of "Indiana Territory;" and Captain Harrison was appointed first governor, and "superintendent of Indian affairs." The white population at this time scarcely exceeded five thousand five hundred souls throughout the entire region; and was moreover divided amongst three settlements,—Clarke's grant, at the falls of the Ohio; the old French settlement at Vincennes, on the Wabash; and one on the Mississippi, extending from Kaskaskia to Cahokia. The aggregate number of Indians was more than one hundred thousand.

One of the most curious affairs relating to Tennessee, was the impeachment of Blount, a Senator from that state, and his expulsion from Congress, for the treasonable design of making war upon Louisiana, in conjunction with the Indians of the vicinity of the Mississippi and the British from Canada; together with his subsequent election to the governorship of the state; but our limits do not admit of entering into details. The action in Congress, as con-

tained in Senator Benton's "Abridgement of the Debates," is well worth the reader's attention.

An additional treaty with the Cherokee Indians arose from the carrying out of the provisions of the treaty with that tribe, signed at Houlston, in 1791. It was discovered that a considerable tract of land had been settled by immigrants into Tennessee, the Indian title to which had never been extinguished. At Tellico, therefore, on October the 2d, 1798, it was agreed by the Cherokees that, for the consideration of wares to the amount of $5,000 in value, with an annuity of other goods to the value of $1,000 over and above what had been agreed upon before, the lands in question should be ceded to the United States. The road between Cumberland Mountain and Cumberland River was to be left open by the Cherokees; who were to be at liberty to hunt on the ceded lands, "until settlements should make it improper" to do so.

Beside this treaty with the aborigines, we may here mention the ratification by President Adams of the treaty with the Creeks; the treaty with the Senecas, entered into by Robert Morris, under the sanction of the United States, for the extinction of their title to a tract of land, sold to him by the commonwealth of Massachusetts, but lying within the state of New York, for the sum of $100,000, and the treaty by which the Mohawks relinquished to New York all their claims to lands within that state.

The rapid advances of the great republic westward and southward, greatly disturbed the equanimity of the governor of Louisiana. Nor was his jealous apprehension in anywise diminished by the compulsory relinquishment of the Natchez District, which was now open to the unrestrained tide of emigration from the whole west.

About the year 1798, the first regular commercial agent, or American consul, was recognized in the city of New Orleans. "The French privateers had now become very troublesome to the trade of the United States in the West Indies and about the Gulf of Mexico. A number of our captured vessels were taken into the port of New Orleans, condemned and confiscated, with their cargoes, at a trifling price, our seamen treated in a most shameful manner, and our trade otherwise brought into great jeopardy. This subject became a matter of serious consideration; and the United States having neither consul nor vice-consul at that port," Colonel Ellicott, (the same who in the gray dawn of that March morning, from the ramparts of deserted Natchez, had the satisfaction of beholding the Spanish flotilla silently dropping down the river, and relinquishing thus their last hold upon the ransomed soil of independent America,)—Colonel Ellicott procured from the new governor, Don Gayoso, the recognition of Daniel Clarke, junior, as provisional consul for the United States, until the president should make a regular appointment. "The firm and manly conduct of Mr. Clarke," we are glad to learn, from Ellicott's own pen, "in a short time put a new face upon our commerce in that quarter, and obtained from the Spanish

authorities some privileges not before enjoyed."

"During this state of things," continues Monette, "the intercourse of American citizens in Louisiana was free and amicable, and the increase of western emigration and trade greatly augmented the commercial importance of the city of New Orleans." But about the close of the year 1798, an important change occurred; the king revoked the authority of commandants to grant lands; and in consequence, the following year, "new restrictions were imposed upon those who desired to establish themselves within the Spanish jurisdiction. All former privileges permitted to citizens of the United States were discontinued, and many of the restrictions relative to grants of land were deemed peculiarly oppressive, and framed to operate specially upon the western people."

"But the most ominous act of the intendant, for the peace and security of Louisiana, was an ill-advised and arbitrary interdict of the right of deposit at New Orleans, contrary to the stipulation of the treaty of Madrid." This so grievously annoyed and interfered with the trade of the ultramontane region, that, considering what intrigues the dependence of the new settlers in that region upon the Mississippi as an outlet for their produce, had given rise to,—and what dangers threatened the Union from that quarter,—"the president, swayed by the popular will in the west, had fully determined to take such measures as would coerce the Spanish authorities to open a *dépôt* for the American trade."

This rupture of the amity prevailing between Spain and the United States, was happily prevented by the course adopted by the new intendant, Don Ramon de Lopez, who arrived in the latter part of 1799, as successor to Gayoso, who died in the summer of that year. "The right of deposit having been restored, trade and free intercourse had again taken place, and general harmony prevailed between the western people and the Spanish settlements on the Upper Mississippi, as well as in the rich and productive regions of the Delta. The bitter animosities and the spirit of revenge, which had filled the western people, in consequence of former duties and restrictions, as well as the late interdict, had now subsided into a laudable desire for the peaceable acquisition of property, through the channels of lawful trade and enterprise. This state of mutual prosperity and friendly intercourse between the people of the United States and those of Louisiana continued, with but little interruption, for nearly two years, until the second interdict in the autumn of 1802."

It was on the occasion of the agitation against the alien and sedition laws that Henry Clay, whom we have already named in this chapter, achieved his first oratorical triumph. One of his biographers speaks thus of his exploits. And mentioning the "resolutions," he says;—"The same was discussed at public gatherings all over the commonwealth, (of Kentucky,) by the ablest and most prominent men within her borders; but among them all, no one acquired greener laurels, or spoke

upon the subject before the people with greater clearness of thought, earnestness of conviction, or eloquence of appeal, than Mr. Clay. The zeal and effect of his efforts on this occasion, in behalf of popular rights, gained for him the proud title of 'The Great Commoner,' and the high position of a leader of the democratic party in the state.

"We have preserved but a single anecdote of his exertions at this period of his life. At Lexington, an immense number of citizens had assembled to listen to a discussion of this engrossing topic. They were first addressed by Mr. George Nicholas, one of the most distinguished orators in Kentucky, in a long and eloquent speech, which drew forth the loudest applause of that great concourse. In obedience to the loud and repeated calls of the people, Mr. Clay appeared upon the stand and addressed the multitude for more than an hour, upon the designed executive encroachments, indicated by the enactment of the particular laws they were assembled to discuss. He thrilled their hearts by his vivid description of the ruin to which, under the weight of the high-toned federal doctrines of the administration, the country was sinking, and appealed to them with unequalled power, by all the motives that could have weight with the human heart, to rise up against the oppression beneath which they were so fearfully crushed. He ceased—and his audience remained hushed in silence." A worthy and respectable man, but a strong federalist, Mr. William Murray, attempted to reply to the young republican: but the feelings of his enraptured audience "were too intense to endure a rude assault, and driving the speaker by clamorous murmurs from the ground, they seized Mr. Clay and his colleague, and forcing them into a carriage, drove them in triumph, and amid loud shouts of rapturous applause, through the streets and public places of the village of Lexington."

Of the result of the movement in the legislature against the constitutionality of these laws, we have spoken above (p. 444.) We have also (p. 527) given Mr. Jefferson's views on the subject embraced in the celebrated Kentucky and Virginia Resolutions, in the letter which he addressed to Count Destutt Tracy. It may not be out of place in the present connection, to quote from another letter written by the same gentleman in 1821, to the son of Colonel Nicholas, who had been Jefferson's coadjutor in this Kentucky movement for nullification. After gently expostulating with his correspondent, for placing him "under a dilemma, which he could not solve but by an exposition of the naked truth," he proceeds,—"At the time when the republicans of our country were so much alarmed at the proceedings of the federal ascendency in Congress, ... they concluded to retire from that field, take a stand in the state legislatures, and endeavor there to arrest their progress." Then telling how the alien and sedition law supplied grounds, and how the alliance of Virginia and Kentucky encouraged the attempt; how Madison acted upon the resolution, but he himself did not, being vice-president; he continues:—"Your

father, Colonel W. C. Nicholas, and myself happening to be together, the engaging the co-operation of Kentucky in an energetic protestation against the constitutionality of those laws, became a subject of consultation. Those gentlemen pressed me strongly to sketch resolutions for that purpose; your father undertaking to introduce them to that legislature, with a solemn assurance, which I strictly required, that it should not be known from what quarter they came. I drew and delivered them to him, and in keeping their origin secret, he fulfilled his pledge of honor. Some years after this, Colonel Nicholas asked me, if I would have any objection to its being known that I had drawn them. I pointedly enjoined that it should not. Whether he had unguardedly intimated it before to any one, I know not; but I afterwards observed in the papers, repeated imputations of them to me; on which, as has been my practice on all occasions of imputation, I have observed entire silence." He then softens the seeming appearance of robbing his correspondent's father of the glory of preparing these resolutions, saying,—"that circumstance, surely, was of far less merit than the proposing and carrying them through the legislature of his state."

With these glimpses, in this chapter, at different points of interest and value, in connection with the onward progress of our country towards wealth and power, we may properly conclude the present Book, as well as the second volume of our history. We have traced the narrative of the first twelve years of the constitutional history of the United States. We have seen what the federal party, when in the majority, were able to accomplish. We have carefully noted the decline and fall of that great party, and the transference of power to the hands of their rivals. It now remains to us, to enter upon the history of the administrations, which, beginning with Jefferson's, were placed in charge of the vast and vastly increasing interests of our country. It will be our effort to maintain the same impartiality and faithfulness to the truth and integrity of history, which have, we confidently trust, stamped their impress upon the pages already before the reader.

APPENDIX TO CHAPTER XIV.

STATISTICAL TABLES.

In carrying forward the history of the United States, we have endeavored, during its progress, to give all the needful facts and details respecting the commerce, population, revenue, etc., of our country. It will, nevertheless, we think, be convenient to have brought together, for the purpose of contrast as well as comparison, the more important statistics connected with our constitutional history, down to the close of John Adams's administration.

I. POPULATION OF THE UNITED STATES.

1. CENSUS OF 1790.

States.	Free Whites.	Other free persons.	Slaves.	Total.
Vermont	85,268	255	16	85,539
New Hampshire	141,097	630	158	141,885
Maine	96,002	538	none	96,540
Massachusetts	373,324	324	none	378,787
Rhode Island	64,470	3,407	948	68,825
Connecticut	232,374	2,808	2,764	237,946
New York	314,142	4,654	21,324	340,120
New Jersey	169,954	2,762	11,423	184,139
Pennsylvania	424,099	6,537	3,737	434,373
Delaware	46,308	3,899	8,887	59,094
Maryland	208,649	8,043	103,036	319,728
Virginia	442,117	12,866	292,627	747,610
North Carolina	288,405	4,975	100,571	393,951
South Carolina	140,178	1,801	107,094	249,073
Georgia	52,886	398	29,264	82,548
Kentucky	61,133	114	12,430	73,677
West'n Territories	31,913	362	3,417	35,691
	3,176,419	55,411	697,696	3,929,526

2. CENSUS OF 1800.

States.	Free Whites and all other free persons.	Slaves.	Total.
Vermont	154,465	.....	154,465
New Hampshire	183,850	8	183,858
Maine	151,719	.....	151,719
Massachusetts	422,375	.....	422,375
Rhode Island	68,742	380	69,122
Connecticut	250,051	951	251,002
New York	565,445	20,613	586,058
New Jersey	198,727	12,422	211,149
Pennsylvania	600,842	1,706	602,548
Delaware	58,120	6,153	64,273
Maryland	241,985	107,707	349,692
Virginia	539,181	346,968	886,149
Kentucky	180,616	40,343	220,959
North Carolina	344,907	133,196	478,103
South Carolina	199,440	146,151	345,591
Georgia	102,985	59,699	162,686
Tennessee	92,018	13,584	105,602
North-West Territory	45,365	.....	45,365
Indiana Territory	5,506	135	5,641
Mississippi Territory	5,361	3,489	8,850
District of Columbia	10,849	3,244	14,093
	4,422,913	896,849	5,319,762

II. COMMERCE OF THE UNITED STATES.

Year.	Value of Exports.	Value of Imports.
1791	$19,012,041	$52,200,000
1792	20,753,098	31,500,000
1793	26,109,572	31,100,000
1794	33,026,233	34,600,000
1795	47,989,472	69,756,268
1796	67,064,097	81,436,164
1797	56,850,206	75,379,406
1798	61,527,097	68,551,700
1799	78,665,522	79,068,148
1800	70,971,780	91,252,768

III. RECEIPTS AND EXPENDITURES OF THE UNITED STATES.

Year.	Receipts.	Expenditures.
1791	$10,210,025 75	$7,207,539 02
1792	8,740,766 77	9,141,569 67
1793	5,720,624 28	7,529,575 55
1794	10,041,101 65	9,302,124 77
1795	9,419,802 79	10,435,069 65
1796	8,740,329 65	8,367,776 84
1797	8,758,916 40	8,626,012 78
1798	8,209,070 07	8,613,517 68
1799	12,621,459 84	11,077,043 50
1800	12,451,184 14	11,989,789 92

NOTE.—Against the year 1791 are placed the receipts and expenditures from March 4, 1789, to December 31, 1791.

IV. THE FEDERAL ADMINISTRATIONS.

1. THE FIRST ADMINISTRATION: 1789 TO 1797, EIGHT YEARS.

President.—George Washington, Virginia.

Vice-President.—John Adams, Massachusetts.

Secretaries of State.—Thomas Jefferson, of Virginia, September 26, 1789; Edmund Randolph, of Virginia, January 2, 1794; Timothy Pickering, of Pennsylvania, December 10, 1795.

Secretaries of the Treasury.—Alexander Hamilton, of New York, September 11, 1789; Oliver Wolcott, of Connecticut, February 3, 1795.

Secretaries of War.—Henry Knox, of Massachusetts, September 12, 1789; Timothy Pickering, of Massachusetts, January 2, 1795; James M'Henry, of Maryland, January 27, 1796.

Postmasters-General. — Samuel Osgood, of Massachusetts, September 26, 1789; Timothy Pickering, of Pennsylvania, November 7, 1791; Joseph Habersham, of Georgia, February 25, 1795.

Attorneys-General. — Edmund Randolph, of

Virginia, September 26, 1789; William Bradford, of Pennsylvania, January 27, 1794; Charles Lee, of Virginia, December 10, 1795.

2. THE SECOND ADMINISTRATION: 1797 TO 1801, FOUR YEARS.

President.—John Adams, Massachusetts.

Vice-President.—Thomas Jefferson, Virginia.

Secretaries of State.—Timothy Pickering (continued in office;) John Marshall, of Virginia, May 13, 1800.

Secretaries of the Treasury.—Oliver Wolcott (continued in office;) Samuel Dexter, of Massachusetts, December 31, 1800.

Secretaries of War.—James M'Henry (continued in office;) Samuel Dexter, of Massachusetts, May 13, 1800; Roger Griswold, of Connecticut, February 3, 1801.

Secretaries of the Navy.—George Cabot, of Massachusetts, May 3, 1798, (declined;) Benjamin Stoddert, of Maryland, May 21, 1798.

Postmaster-General.—Joseph Habersham (continued in office.)

Attorney-General.—Charles Lee, of Virginia, (continued in office.)

V. THE SUPREME COURT.

Chief Justices.—John Jay, of New York, September 26, 1789; John Rutledge, of South Carolina, July 1, 1795, (ratification of the appointment refused by the Senate;) William Cushing, of Massachusetts, January 27, 1796, (declined;) Oliver Ellsworth, of Connecticut, March 4, 1796; John Jay, of New York, December 19, 1800, (declined;) John Marshall, of Virginia, January 31, 1801.

Associate Justices.—John Rutledge, of South Carolina, September 26, 1789; William Cushing, of Massachusetts, September 27, 1789; Robert H. Harrison, of Maryland, September 28, 1789; James Wilson, of Pennsylvania, September 29, 1789; John Blair, of Virginia, September 30, 1789; James Iredell, of North Carolina, February 10, 1790; Thomas Johnson, of Maryland, November 7, 1791; William Patterson, of New York, March 4, 1793; Samuel Chase, of Maryland, January 27, 1796; Bushrod Washington, of Virginia, December 20, 1798.

VI. MINISTERS TO FOREIGN COURTS.

To Great Britain.—Gouverneur Morris, of New Jersey, commissioner, October 13, 1789; Thomas Pinckney, of South Carolina, minister-plenipotentiary, January 12, 1792; John Jay, of New York, envoy-extraordinary, April 19, 1794; Rufus King, of New York, minister-plenipotentiary, May 20, 1796.

To France. — William Short, of Virginia, chargé d'affaires, April 6, 1790; Gouverneur Morris, of New Jersey, minister-plenipotentiary, January 12, 1792; James Monroe, of Virginia, minister-plenipotentiary, May 28, 1794; Charles Cotesworth Pinckney, of South Carolina, minister-plenipotentiary, September 9, 1796; Charles Cotesworth Pinckney, Elbridge Gerry, and John Marshall, jointly and severally, envoys-extraordinary and ministers-plenipotentiary, June 5, 1797; Oliver Ellsworth, Patrick Henry, and William Vans Murray, envoys-extraordinary and ministers-plenipotentiary, February 26, 1799; William Richardson Davie, of North Carolina, in place of Patrick Henry, December 10, 1799; James A. Bayard, of Delaware, minister-plenipotentiary, February 19, 1801.

To Spain.—William Carmichael, of Maryland, chargé d'affaires, April 11, 1790; William Carmichael and William Short, commissioners, March 16, 1792; William Short, of Virginia, minister-resident, May 28, 1794; Thomas Pinckney, of South Carolina, envoy-extraordinary, November 24, 1794; David Humphreys, of Connecticut, minister-plenipotentiary, May 20, 1796.

To the Netherlands.—William Short, of Virginia, minister-resident, January 16, 1792; John Quincy Adams, of Massachusetts, minister-resident, May 30, 1794; William Vans Murray, of Maryland, minister-resident, March 2, 1797.

To Portugal.—David Humphreys, of Connecticut, minister-resident, February 21, 1791; John Quincy Adams, of Massachusetts, minister-plenipotentiary, May 30, 1796; William Smith, of South Carolina, minister-plenipotentiary, July 10, 1797.

To Prussia.—John Quincy Adams, of Massachusetts, minister-plenipotentiary, June 1, 1797.

END OF VOL. II.